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ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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ILLINOIS REGISTER

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Issue 16 - April 14, 2000: Data Through March 31, 2000

Issue 29 - July 14, 2000: Data Through June 30, 2000

Issue 42 - October 13, 2000: Data Through September 30, 2000

Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Boiler and Pressure Vessel Safety
- 2) Code Citation: 41 Ill. Adm. Code 120
- 3) Section Numbers: 120.11
Proposed Action: Amendment
- 4) Statutory Authority: Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act (430 ILCS 75/2 and 2.1).
- 5) A Complete Description of the Subjects and Issues Involved: The National standards have been updated and boilers and pressure vessels are being fabricated to the newer standards. The amendment will allow these objects to meet the newer standards.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This Amendment does not create or expand a state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of publication to:

John J. Pavlou, Chief Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield IL 62703-4259
jpavlou@mail.state.il.us

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Any that purchase a new boiler or pressure vessel.
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PROPOSED AMENDMENT
13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The need for this rulemaking was not anticipated.

The full text of the Proposed Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHALPART 120
BOILER AND PRESSURE VESSEL
SAFETY

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120.7	Kindly Observe the Following Briefs and Avoid Unnecessary Inconvenience (Repealed)
120.10	Definitions
120.11	Incorporation of National Standards
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120.20	Administration
120.30	Inspectors, Examinations, Certificate of Competency and Commission
120.41	Special Inspector Trainee (Repealed)

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120.100	New Installations of Boilers, Miniature Boilers, Heating Boilers and Hot Water Supply Boilers
120.105	Boiler Exemptions
120.200	New Installations of Pressure Vessels
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120.300	Existing Installations of Power Boilers
120.400	Existing Installations of Miniature Boilers (Repealed)
120.500	Operation of Boilers and Pressure Vessels
120.600	Existing Installation of Pressure Vessels
120.700	General Requirements for all Boilers and Pressure Vessels (Repealed)
120.800	Nuclear Power Plant Components (Repealed)
120.900	Flame Safeguard Requirements and Incorporated Standards (Repealed)

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OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

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 Authorization to Repair ASME and National Board Stamped Safety and Safety Relief Valves
 Issuance and Renewal of the Certificate
 Changes to Certificates of Authorization
 Repairs to Safety and Safety Relief Valves
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EXHIBIT A Hot Water Heating Boilers

EXHIBIT B Steam Heating Boilers

APPENDIX B Record of Welded Repair (Repealed)

AUTHORITY: Implementing the Boiler and Pressure Vessel Safety Act [430 ILCS 75] and authorized by Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2 and 2.1].

SOURCE: Boiler and Pressure Vessel Safety Act Rules and Regulations adopted at 4 Ill. Reg. 7, p. 126, effective January 31, 1980; codified at 5 Ill. Reg. 10677; amended at 7 Ill. Reg. 6925, effective July 1, 1983; amended at 10 Ill.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Reg. 9510, effective July 1, 1985; amended at 11 Ill. Reg. 16587, effective January 1, 1998; amended at 16 Ill. Reg. 6808, effective July 1, 1992; amended at 17 Ill. Reg. 14917, effective September 1, 1993; amended at 19 Ill. Reg. 11904, effective August 15, 1995; amended at 20 Ill. Reg. 9540, effective July 3, 1996; amended at 21 Ill. Reg. 997, effective January 1, 1997; amended at 23 Ill. Reg. 162, effective January 1, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUPPORT A: DEFINITIONS AND ADMINISTRATION

Section 120.11 Incorporation of National Standards

Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.

- a) The Board hereby adopts the following nationally recognized standards and addenda:

ASME 1993	CSD-1a-1998	Controls and Safety Devices for
NFPA 8501-97	8501-97	Automatically Fired Boilers
NFPA 8502-99	85-E	Single Burner Boilers - Furnaces
NFPA 8503-97	85-F	Multiple Burner Boilers - Furnaces
ASME 1998		Pulverized Fuel Systems
ASME Boiler and Pressure Vessel Code (1998) with 1999 addenda (1995)-with-1995-,1996-,1997-addenda		

Section I	Power Boilers
Section II	Material Specifications -- Part A -- Ferrous
Section II	Material Specifications -- Part B -- Nonferrous
Section II	Material Specifications -- Part C -- Welding Rods
Section II	Electrodes and Fillers Metals
Section II	Material Specifications -- Part D -- Properties
Section IV	Heating Boilers
Section V	Nondestructive Examination
Section VI	Recommended Rules for Care and Operation of Heating Boilers
Section VII	Recommended Rules for Care of Power Boilers

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Section VIII

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Pressure Vessels -- Division 2 -- Alternative Rules

Section VII

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for High Pressure Vessels

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Section X

Fiberglass -- Reinforced Plastic Pressure Vessels
National Board of Boiler & Pressure Vessel Inspectors
Inspection Code (1998) with 1999 (1995)-with-1995-1996--and
1997 addenda

National Board Rules and Recommendations for the Design and
Construction of Boiler Blowoff Systems (1991)

American Petroleum Institute

API-510, Eighth Seventh Edition, First 2nd Supplement, "API
Recommended Practice for Inspection, Repair, and Rating of
Pressure Vessels in Petroleum Refining Service"

API --

American Petroleum Institute

1220 L Street, Northwest

Washington, D.C. 20005

www.api.org

ASME --

American Society of

Mechanical Engineers

United Engineering Center

345 East 47th Street

New York, New York 10017

www.asme.org

NB --

National Board of Boiler &

Pressure Vessel Inspectors

1055 Crupper Avenue

Columbus, Ohio 43229

www.nationalboard.org

NFPA --

National Fire Protection

Association

1 Batterymarch Park

Quincy, Massachusetts 02269-9101

www.nfpa.org

(Source: Amended at 24 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances

2) Code Citation: 41 Ill. Adm. Code 170

3) Section Numbers: Proposed Action:

170.421 Amendment
170.426 Amendment
170.430 Amendment
170.530 Amendment
170.543 Amendment
170.672 Amendment
170.1300 Amendment
170. Appendix A Amendment
170. Appendix F New Section
170. Appendix G New Section
170. Appendix H New Section
170. Appendix I New Section

4) Statutory Authority: Implementing the Gas Storage Act (430 ILCS 15) and authorized by Section 2 of the Gasoline Storage Act (430 ILCS 15/2).

5) A Complete Description of the Subjects and Issues Involved: Monthly inventory reconciliation as a means of leak detection is now clarified to be consistent with federal law. Tank installation contractors will be allowed to set their own schedule for installations rather than obtaining prior approval of the Office. Regulated heating oil tanks will be treated the same as non-regulated tanks with regard to leak detection. Kerosene dispensers installed prior to a change in rules in 1995 will be allowed to remain.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not expand or create a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within the first 45 days after publication to:

John J. Pavlou, Chief Counsel
Office of the State Fire Marshal

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

1035 Stevenson Drive
Springfield IL 62703
217/786-1031
jpavlou@mail.state.il.us

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not for profit corporations affected: Repairers of Underground Storage Tanks, owners and operators of those tanks.

B) Reporting, bookkeeping or other procedures required for compliance: No additional skills are required under this rulemaking for tank operators. Tank contractors will have to submit forms containing the date(s) of certain activities, but will not be required to schedule those activities with our office.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent rulemakings because: it was not anticipated at that time.

The full text of the Proposed Amendments begins on the following page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER 1: OFFICE OF THE STATE FIRE MARSHAL

PART 170

STORAGE, TRANSPORTATION, SALE AND USE OF
PETROLEUM AND OTHER
REGULATED SUBSTANCES

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170.40	Clearance Required for Underground Tanks (Repealed)
170.41	Location (Repealed)
170.50	Material and Construction of Tanks (Repealed)
170.60	Venting of Tanks (Repealed)
170.65	Underground Tank Installations (Repealed)
170.70	Fill Pipes (Repealed)
170.71	Registration of Underground Storage Tanks and Payment of Annual Fee (Repealed)
170.72	Late Registration Fee (Repealed)
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170.80	Unloading Operations
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170.91	Labeling of Containers and Pumps
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170.106	Installer, Repairer or Remover of Underground Storage Tanks (Repealed)
170.107	Tester of Underground Storage Tanks and Cathodic Protection (Repealed)
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170.510	Release Detection Requirements for Petroleum UST Systems
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OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

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 170.870 Briefs
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OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

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 APPENDIX E Required Job Schedule for Cathodic Protection Upgrade
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 APPENDIX G Required Job Schedule for Underground Storage Tank Installation
 APPENDIX H Required Checklist for Underground Storage Tank System Upgrade
 APPENDIX I

TABLE A Schedule for Phase-in of Release Detection
 TABLE B Manual Tank Gauging: Weekly and Monthly Standards

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; amended March 6, 1963 and April 4, 1977; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency expired June 25, 1983; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; emergency expired November 26, 1984; amended at 9 Ill. Reg. 9514, effective October 1, 1985; emergency amendment at 10 Ill. Reg. 345, effective January 1, 1985, for a maximum of 150 days; emergency expired June 1, 1986; emergency amendment at 10 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; emergency expired November 29, 1986; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 5669,

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

effective April 21, 1989; amended at 13 Ill. Reg. 7744, effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989; amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 13 Ill. Reg. 14992, effective September 11, 1989; amended at 14 Ill. Reg. 5781, effective April 10, 1990; amended at 15 Ill. Reg. 7042, effective April 29, 1991; amended at 16 Ill. Reg. 4845, effective March 12, 1992; emergency amendment at 17 Ill. Reg. 1186, effective January 12, 1993, for a maximum of 150 days; emergency expired June 11, 1993; amended at 19 Ill. Reg. 5467, effective April 1, 1995; amended at 20 Ill. Reg. 4698, effective March 11, 1996; amended at 21 Ill. Reg. 8945, effective July 15, 1997; amended at 22 Ill. Reg. 21339, effective December 1, 1998; amended at 24 Ill. Reg. _____, effective _____.

SUBPART B: UNDERGROUND STORAGE TANKS--TECHNICAL REQUIREMENTS

Section 170.421 Piping

- a) Piping, valves and fittings for flammable liquids shall be designed for the working pressures and structural stresses to which they may be subjected and approved for their intended use. They shall be of steel or other materials suitable for use with the liquid being handled. Pipe-wall thicknesses being determined in accordance with ANSI B31, incorporated by reference in Section 170.410, shall be deemed to comply with this Section, except that carbon steel pipe shall not be thinner than standard wall thickness listed in ANSI B36, incorporated by reference in Section 170.410.
- b) Non-metallic piping systems conforming to the requirements of ANSI B31, incorporated by reference in Section 170.410, for use with flammable and combustible liquids are permitted underground.
- c) After installation, piping shall be tested for 30 minutes at 1.5 times the working pressure or 50 PSI, whichever is higher ~~a pressure-of-50 percent-in-excess-of-the-working-pressure-and-shall-be-proven-leak proof-but-no-less-than-50-PSI-for-pressurized-piping---Suction-type piping-shall-be-tested-with-positive-pressure-of-5-7-3-PSI-for-30 minutes.~~
- d) Piping that routinely contains regulated substances and is in contact with the ground shall be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, as specified below:
 - 1) The piping is constructed of fiberglass-reinforced plastic (the following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection (d)(1): UL 567; UL Canada Subject C107C; or UL Canada Standard CAN4-S633);
 - 2) The piping is constructed of steel and cathodically protected in the following manner:
 - A) The piping is coated with a suitable dielectric material;
 - B) Field-installed cathodic protection systems are designed by

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- a) Impressed current systems are designed to allow determination of current operating status as required in Section 170.460(c);
- D) Cathodic protection systems are operated and maintained in accordance with Section 170.460 (the following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this subsection (d)(2): NFPA 30; API Recommended Practice 1615; API Recommended Practice 1632; or NACE RP0285); or
- E) The piping construction and corrosion protection are determined by the Office of the State Fire Marshal to be required to prevent the release or threatened release of any stored regulated substance, in a manner that is no less protective of human health and the environment than the requirements in subsections (b)(1) and (2) above. Before the installation of any such piping, its construction and corrosion protection shall be submitted to the Office in writing, and the Office shall issue written approval.
- e) UST wiring procedures. All wiring at UST locations shall be in accordance with NFPA 70, incorporated by reference in Section 170.410. Wiring within 20 feet of tanks, within 20 feet of dispenser pumps or run in the product line trenches shall be installed in rigid metallic conduit or threaded steel conduit. Electrical conduit shall maintain at least six inches of separation from product piping to avoid damage from abrasion or stray electrical current and shall be routed away from product piping. Minimum cover is required in accordance with Table 300-5 of NFPA 70, incorporated by reference in Section 170.410. Intrinsically safe wiring shall be in conduit when installed within Class I locations, as specified in NFPA 70, incorporated by reference in Section 170.410. Caution should be taken when grounding since it impairs cathodic protection of metallic tanks or piping. When locating electrical wiring in the same trench as the product lines, the conduit shall be positioned on either side of the product lines but not above or below the product piping. This electrical conduit shall cross over the top of any product piping whenever a cross-over is necessary. A six-inch separation shall be maintained at all times, even during a cross-over. All cross-overs shall be kept to a minimum. All electrical power shall be shut off at the immediate location where installations, repairs or upgrades are in progress.
- f) Certification of installation shall be as per Section 170.420(d).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 170.426 Pumps

- a) Petroleum and hazardous substances shall be transferred from tanks by

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means of fixed pumps so designed and equipped as to allow control of the flow and to prevent leakage or accidental discharge except that siphon bars meeting the requirements below shall be allowed between tanks. Siphon bars shall meet the requirements in subsection (a)(2) below or be removed from the UST system by December 22, 1998. Supplemental means shall be provided outside of the dispensing device whereby the source of power may be readily disconnected in the event of fire or other dangerous condition.

- 1) Dispensing devices for petroleum and applicable hazardous substances shall meet the requirements of UL 842, incorporated by reference in Section 170.410. Liquid shall be withdrawn from tanks by means of pumps in conformity with Chapter 5 of NFPA 70, incorporated by reference in Section 170.410, and equipped with static wire nose and non-ferrous discharge nozzle, except that used oil tanks are not subject to the requirement of transfer by means of fixed pumps.
- 2) Siphon bars between tanks that are used to transfer petroleum and hazardous substances between tanks by means of gravity or negative atmospheric pressure shall be permitted subject to the following requirements:
 - A) The height of the tops of the tanks shall be within 6 inches,
 - B) Piping shall meet the requirements of Section 170.421,
 - C) Release detection methods for tanks and piping shall be of a type approved for tanks connected by siphon bars in accordance with Section 170.530(j), and
 - D) Siphon bars piping shall be at the top of the tanks with a slope not to exceed one-quarter of 1/4 inch per foot.

- b) No pump or dispensing device shall be located within a building. This does not include pump houses designed to house transfer pumps only; also, this does not include pump houses designed to house transfer pumps at refineries used in conjunction with pipeline product transfers or any refinery processing. Transfer pumps located at industrial or commercial facilities are excluded from the requirements of this Section. Dispensers located at industrial or commercial facilities that contain a regulated substance shall be approved by the Office of the State Fire Marshal.
- 1) Existing pumps and dispensing devices within garages, as of October 1, 1985, are permitted provided the dispensing area is:
 - A) Not below-grade;
 - B) Separated from motor vehicle repair areas, pits and basements;
 - C) Protected against physical damage from vehicles by mounting the dispensing unit on a concrete island or by equivalent means;
 - D) Located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control;
 - E) Provided with an approved mechanical or gravity ventilation

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- F) Provided with a clearly identified switch, readily accessible in case of fire or physical damage to any dispensing units to shut off the power to dispensing units.
- 2) Existing dispensing units located below-grade, as of October 1, 1985, shall have independent mechanical ventilation systems and the entire dispensing area shall be protected by an automatic sprinkler system conforming to the requirements of 41 Ill. Adm. Code 100.220.

- A) The ventilation systems shall be electrically interlocked with the gasoline dispensing units, so that the dispensing units cannot be operated unless the ventilation fan motors are energized and operating.
- B) Existing dispensing units located below-grade within buildings shall also comply with subsection (b)(1) above, as applicable.
- c) Curb pumps or pumps located in any portion of a public street are prohibited.
- d) Wiring of electric pumps and all electrical equipment in connection therewith shall conform to Chapter 5 of NFPA 70, incorporated by reference in Section 170.410 (product piping and electrical wiring shall be as directed in Section 170.421(e)).
- e) Devices which discharge by gravity are prohibited and were to have been removed by January 1, 1986. Gravity devices at service stations which are retained for their novelty or historical interest may be retained at the facility but shall be rendered non-functional.
- f) Systems which employ continuous air pressure on storage tanks in connection with gauging or vending devices are prohibited, with the exception of those systems utilized in Stage II Vapor Recovery.
- g) The use of aboveground storage tanks in connection with gauging or vending devices is prohibited, as clarified elsewhere in this Section. Retail sale from aboveground tanks is prohibited except as allowed in 41 Ill. Adm. Code 180.
- h) New installations of apparatus for dispensing petroleum into fuel tanks of vehicles shall not be connected to either aboveground or underground bulk storage tanks. This does not include cargo tanks mounted on tanker trucks for transporting purposes.
- i) Dispensing devices at an automotive service station shall be so located that all parts of the vehicle being served will be on the premises of the service station. For dispensing devices located inside buildings, openings beneath dispenser enclosures shall be sealed to prevent the flow of leaking fuel to lower building spaces. Pump houses designed to house transfer pumps only are not considered buildings, as per this Section.
- j) Dispensing devices at marine service stations may be located on open piers, wharves, floating docks, on shore or on piers of the solid-fill type and shall be located away from other structures so as to provide room for safe ingress and egress of craft to be fueled. Openings

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beneath marina dispensing enclosures shall be sealed to prevent the flow of leaking fuel into the water beneath them. Marina installations shall follow guidelines located in Appendix E of this Part, as established by the Office of the State Fire Marshal. Spill containment shall be provided on docks adjacent to dispensers to contain spills that may occur during the filling of approved portable containers.

- k) Dispensing units existing prior to September 15, 1978, may be located inside buildings if specific written approval of the Office of the State Fire Marshal was granted by October 1, 1985, and proof of such was submitted by the applicant and verified by the Office. The dispensing area shall be separated from other areas by two-hour fire resistive construction, as defined in Section 707 of the BOCA National Building Code, incorporated by reference in Section 170.410. The dispensing area shall be provided with a mechanical or gravity ventilation system; all components of which shall comply with the requirements of NFPA 70, incorporated by reference in Section 170.410.
- l) Kerosene dispensers installed after April 1, 1995 shall not be located on the same island with petroleum or hazardous substances. Labeling of dispensers shall comply with the Space Heating Safety Act (425 ILCS 65).

- m) Hoses at service stations shall not exceed 18 feet in length, as required in NFPA 30A 4-2.6, referenced in Section 170.410, except as permitted in subsection (n) below.
- n) Mechanical retractable hose reels are required on dispenser hoses in excess of 18 feet in length. Hose length on mechanical retractors shall not exceed 50 feet and may only be installed with written approval of the Office of the State Fire Marshal.

- o) Dispenser pumps shall be located outside of buildings and not less than five feet from any building or less than five feet measured vertically and horizontally from any window or other building opening, such as a basement, cellar, pit, ventilated soffit or any air intake or exhaust of any building, and in a location that will not permit pocketing of vapor or liquid. The Office of the State Fire Marshal shall approve dispenser locations only where in its judgment a safety hazard does not exist. Location of new dispenser pumps shall be in accordance with the following:

- 1) Not below-grade;
- 2) Separated from motor vehicle repair areas, pits and basements;
- 3) Protected against physical damage from vehicles by mounting the dispensing unit on a concrete island or by equivalent means; and
- 4) Located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 170.430 Upgrading of Existing UST Systems

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- a) Alternatives allowed. Not later than December 22, 1998, all existing petroleum and hazardous substance UST systems were to have complied with one of the following requirements:

- 1) New UST system performance standards under Section 170.420;
 - 2) The upgrading requirements in subsections (b) through (d) below; or
 - 3) Temporary out-of-service status, abandonment-in-place or removal requirements under Section 170.620 or 170.670, including applicable requirements for initial response and initial abatement under Sections 170.600 and 170.610, respectively.
- b) Tank upgrading requirements. Steel tanks must be upgraded to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:

- 1) Interior lining. (Refer to reline checklist located in Appendix B.) A tank may be upgraded by internal lining if the lining is installed in accordance with the requirements of Section 170.480, and the following are complied with:

- A) Tank Entry. Before entering tanks, the procedures described in API Publication 2015 and 2015A, incorporated by reference in Section 170.410, shall be complied with. This includes checking the oxygen content inside the tank with a properly calibrated oxygen monitor. At all times, personnel entering the tank shall be equipped with positive pressure air supplied equipment with full face enclosure and safety harness connected to a safety line held by an attendant outside the tank. Oil and water-resistant rubber or neoprene boots and gloves shall be worn. Clothing shall cover the arms, legs, torso and head of tank entry personnel. Disposable clothing, impervious to product, is preferred. Clothing saturated with product shall be removed immediately upon departure from the tank. All personnel working inside the tank shall be familiar with ANSI Z117.1, incorporated by reference in Section 170.410. Tests with the combustible gas indicator and oxygen monitor shall be performed periodically in the tank to ascertain that the tank vapors and oxygen content are in the safe range. It shall be recognized that if the tank is perforated, product or vapors that have leaked into the soil may re-enter the tank through a perforation. The vent line shall remain clear and unobstructed to allow continuous ventilation. All other lines and openings shall be plugged or capped off to insure no liquids or vapors may enter the tank during the lining operation.

- B) Application of Lining. Prior to the application of lining material, a 1/4 inch steel reinforcing plate rolled to the contour of the tank and with minimum dimensions of 8 inches by 8 inches shall be installed under the fill (drop) tube

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and gauging tube. This plate shall be covered with fiberglass cloth embedded in resin. The blast-cleaned surface shall be coated within eight hours after blasting and before any visible rusting occurs. Only those lining materials meeting the specifications in API Publication 1631, incorporated by reference in Section 170.410, shall be used. Manufacturer's instructions are to be complied with on handling and mixing of resin compounds, and these compounds shall be applied to the entire interior surface of the tank by the manufacturer or the manufacturer's designated distributor following the specified method of application, to the designated thickness and at the recommended application temperature. If a heater is used to accelerate the curing process, all other work which might release flammable vapors shall be halted, and the heating unit shall be attended whenever it is in operation. The coating shall be cured thoroughly to the manufacturer's specifications and checked for air pockets and pinholes using a Holiday Detector. If any exceptions are found, they shall be repaired to manufacturer's specifications. The contractor shall protect the coated surfaces from contamination by foreign matter. The coating thickness shall be checked with an Elcometer Thickness Gauge or equivalent and tested for hardness using a Barcol Hardness Tester or equivalent to ensure compliance with manufacturer's specifications.

- C) Tank Closing. If an opening has been cut, the tank shall be sealed as follows:
- i) A 1/4 inch thick steel cover plate, rolled to the contour of the tank, shall be made to overlap the hole at least 26 inches on each side (e.g., should measure at least 26 inches by 26 inches, if manhole was cut 22 inches by 22 inches);
 - ii) The cover shall be used as a template to locate 3/4 inch diameter holes not exceeding five inch centers, one inch from the edge of the cover;
 - iii) The cover plate shall be sandblasted to White Metal on both sides, and the entire inside surface shall be coated with coating material to act as a gasket;
 - iv) Before the coating on the cover cures, the cover shall be fastened to the tank using 1/2 inch (minimum) diameter bolts. The bolt shafts are to be placed through the holes from the inside of the tank and held in place by spring clips, then fastened with local washers and nuts as illustrated in accordance with API Publication 1631, incorporated by reference in Section 170.410; and
 - v) After being bolted to the tank, the coverplate and

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surrounding tank surface shall be properly sandblasted, coated with coating material and allowed to cure before backfilling the hole.

D) Tank Tightness Testing. Before backfilling, the tank shall be tightness tested in accordance with Section 170.530(c). Particular attention shall be paid to the cover plate and all exposed fittings.

E) Within 10 years after lining, and every five years thereafter, the lined tank shall be internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications. An interior lining permit must be obtained whenever an existing tank is either cut open, or an existing entrance patch is broken open to do an internal inspection. This does not apply to bolted manway entrances.

2) Cathodic protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of Section 170.420(a)(2)(B) through (D), and the integrity of the tank is ensured using one of the following methods:

- A) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system;
 - B) The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with Section 170.530(d) through (h);
 - C) The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two tightness tests that meet the requirements of Section 170.530(c). The first tightness test shall be conducted prior to installing the cathodic protection system. The second tightness test shall be conducted between three and six months following the first operation of the cathodic protection system; or
 - D) The tank is assessed for corrosion holes by a method that is determined by the Office of the State Fire Marshal to prevent releases in a manner that is no less protective of human health or the environment than subsections (b)(2)(A) through (C) above; before the utilization of any such method, it shall be submitted to the Office in writing and is subject to written approval by the Office.
- 3) Internal lining combined with cathodic protection. A tank may be upgraded by both internal lining and cathodic protection if:
- A) The lining is installed in accordance with the requirements of subsection (b)(1) above and Section 170.480; and
 - B) The cathodic protection system meets the requirements of Section 170.420(a)(2)(B) through (D). (The following codes and standards, incorporated by reference in Section 170.410, may be used to comply with this Section: API Recommended

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Practice 1631; NFPA Standard 631; NACE RPO285; or API Recommended Practice 1632.)

An interior inspection for an installation of internal lining combined with cathodic protection is required only once, provided an interior inspection was performed in compliance with subsection (3)(A) or (B) above.

c) Piping upgrading requirements. Metal piping that routinely contains regulated substances and is in contact with the ground shall be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and shall meet the requirements of Section 170.421 (The codes and standards listed in Section 170.421 may be used to comply with this requirement.)

d) Spill and overflow prevention equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems shall comply with new UST system spill and overfill prevention equipment requirements specified in Section 170.420(b).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 170.530 Methods of Release Detection for Tanks

Each method of release detection for tanks used to meet the requirements of Section 170.510 shall be conducted in accordance with the following:

a) Monthly inventory control. Product inventory control (or another test of equivalent performance) shall be conducted monthly to detect a release of at least 1.0 percent of the flow-through plus 130 gallons on a monthly basis in the following manner:

1) Inventory volume measurements for regulated substance inputs, withdrawals and the amount still remaining in the tank are recorded each operating day;

2) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;

3) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;

4) Deliveries are made through a drop tube that extends to within one foot of the tank bottom;

5) Product dispensing is metered and recorded pursuant to Section 8 of the Weights and Measures Act (225 ILCS 470/8);

6) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this

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subsection (a)); and

7) To the extent the above measurements or recordkeeping are the responsibility of the UST owner, the owner or whoever performs those activities on the owner's behalf, shall be knowledgeable in such performance; and

8) Monthly inventory control cannot be used as a regular type of release detection for tanks that have had a noninvasive tank integrity assessment performed on them prior to installing cathodic protection.

b) Manual tank gauging. Only tanks of 550 gallons or less nominal capacity may use this subsection as the sole method of release detection. Tanks of 551 to 2,000 gallons may use this method in place of monthly inventory control in subsection (a) of this Section. Tanks of greater than 2,000 gallons nominal capacity may not use this method to meet the requirements of this subsection (b). Manual tank gauging shall meet the following requirements:

1) Tank liquid level measurements are taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;

2) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period;

3) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;

4) A leak is suspected and subject to the requirements of Sections 170.560 through 170.610, if the variation between beginning and ending measurements exceeds the weekly or monthly standards in Table B;

5) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection (b)); and

6) To the extent the above measurements or recordkeeping are the responsibility of the UST owner, the owner or whoever performs those activities on the owner's behalf, shall be knowledgeable in such performance; and

7) Monthly inventory control cannot be used as a regular type of release detection for tanks that have had a noninvasive tank integrity assessment performed on them prior to installing cathodic protection.

c) Precision tank tightness testing, as approved by the Office of the State Fire Marshal. Tank tightness testing (or another test of equivalent performance) shall be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation,

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evaporation or condensation, and the location of the water table. There are four types of precision testing:

- 1) 100 percent volumetric overfill;
 - 2) Volumetric underfill with an approved ullage test of negative pressure or inert gas as approved by the Office of the State Fire Marshal;
 - 3) A negative pressure; or
 - 4) Other approved methods, in accordance with subsection (i) below.
- d) Automatic tank gauging. Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control shall meet the following requirements:

- 1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product; and
- 2) The Automatic Tank Gauge (ATG) must be third party evaluated by the USFPA format and the evaluation must be submitted to the OSFM. The ATG must be installed, calibrated and in compliance with the protocol of the third party evaluation. ~~Monthly inventory control (or another test of equivalent performance) is conducted in accordance with the requirements of subsection (f) above. Automatic tank gauging approved for precision testing will satisfy this requirement.~~

e) Vapor monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone shall meet the following requirements:

- 1) The materials used as a backfill are sufficiently porous (e.g., gravel, sand or crushed rock) to readily allow diffusion of vapor from releases into the excavation area;
- 2) The stored regulated substance or a tracer compound placed in the tank system is sufficiently volatile (e.g., gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;
- 3) The measurement of vapors by the monitoring device is not rendered inoperative by groundwater, rainfall, soil moisture or other known interferences so that a release could go undetected for more than 30 days;
- 4) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;
- 5) The vapor monitors are designed and operated to detect any significant increase in concentration above the background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system; vapor monitor sensors must be permanently installed in the vapor monitor wells;
- 6) In the UST excavation zone, the site is assessed to ensure compliance with the requirements in subsections (e)(1) through (4) above and to establish the number and positioning of

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monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product;

- 7) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;
 - 8) Vapor monitoring wells shall be of sufficient design to allow vapors to be detected from any portion of the tank being monitored and shall be a minimum of four inches in diameter or as approved by the Office of the State Fire Marshal on the applicable permit; and
 - 9) An adequate number of vapor monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of such wells is subject to approval of the Office of the State Fire Marshal on the applicable permit.
- f) Groundwater monitoring. Testing or monitoring for liquids on the groundwater shall meet the following requirements:
- 1) The regulated substance stored is immiscible in water and has a specific gravity of less than one;
 - 2) Groundwater is never more than 20 feet from the ground surface, the hydraulic conductivity of the soil between the UST system and the monitoring wells or devices is not less than 0.01 cm/sec (e.g., the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials), and groundwater shall be present in the groundwater monitoring wells at all times;
 - 3) The slotted or perforated portion of the monitoring well casing shall be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low groundwater conditions;
 - 4) Monitoring wells shall be sealed from the ground surface to the top of the filter pack;
 - 5) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;
 - 6) The continuous monitoring devices or manual methods used can detect the presence of at least one-eighth of an inch of free product on top of the groundwater in the monitoring wells;
 - 7) Within and immediately below the UST system excavation zone, the site is assessed to ensure compliance with the requirements in subsections (f)(1) through (5) above and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains product;
 - 8) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;
 - 9) The minimum diameter of groundwater monitoring wells shall be six inches or as approved by the Office of the State Fire Marshal on the applicable permit; and

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- 10) An adequate number of groundwater monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of such wells is subject to approval of the Office of the State Fire Marshal on the applicable permit.
- g) Interstitial monitoring. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product and, also, meets one of the following requirements:
- 1) For double-wall UST systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product; the provisions specified in STI, "Standard for Dual Wall Underground Storage Tank," incorporated by reference in Section 170.410, may be used as guidance for aspects of the design and construction of underground steel double-wall tanks.
 - 2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier.

- A) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (not in excess of 0.000001 cm/sec for the regulated substance stored) to direct a release to the monitoring point and permit its detection;

- B) The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected;

- C) For cathodically protected tanks, the secondary barrier shall be installed so that it does not interfere with the proper operation of the cathodic protection system;

- D) The groundwater, soil moisture or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days;

- E) The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain unless the barrier and monitoring designs are for use under such conditions;

- F) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering; and
- G) An adequate number of monitoring wells shall be provided to ensure that a release can be detected from any portion of the tank. Adequacy of the number of such wells is subject to the approval of the Office of the State Fire Marshal.

- 3) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the

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- h) liner, and the liner is compatible with the substance stored.

- 1) The company that uses this method shall provide the Office of the State Fire Marshal a written affirmation that their data collection staff is trained in the data gathering procedures and that only trained staff will be utilized for data collection.

Each tank monitored by SIR shall be identified to the Office in writing within 30 days of the commencement of such monitoring, specifying tank size, product stored, facility location and any other pertinent identification information necessary;

- 2) SIR methods may only be used in conjunction with precision tank tightness testing conducted either annually for tanks that are not upgraded or every five years for tanks that have been upgraded with corrosion protection and spill/overflow prevention devices;

- 3) A precision tank tightness test, as approved by the Office of the State Fire Marshal, shall be mandatory, if two successive monthly data analyses indicate a possible release or are inconclusive; and

- 4) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month (practices described in API Recommended Practice 1621, incorporated by reference in Section 170.410, may be used, where applicable, as guidance in meeting the requirements of this subsection (h)).

- i) Other methods. Any other type of release detection method or combination of methods, approved by the Office of the State Fire Marshal, may be used if:

The owner or operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (c) through (h) of this Section. Demonstration of any such method shall be in writing submitted to the Office of the State Fire Marshal. In comparing methods, the Office shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner or operator shall comply with any conditions imposed by the Office on its use to ensure the protection of human health or the environment. Before the utilization of the method, the Office shall issue written approval.

- j) One copy of each independent third-party evaluation and its protocol, for the release detection methods in subsections (c), (d), (e), (g), (h) and (i) above, shall be submitted to the Office of the State Fire Marshal. Any deviation from the third-party evaluation shall be resubmitted for approval.

- k) Only one approved method of primary release detection is required for each tank; although, multiple methods are acceptable.

- 1) No method of release detection shall be used, unless that method has been approved by the Office of the State Fire Marshal.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 170.543 Notification and Establishment of Time Certain and a Date Certain for Underground Storage Tank Activity

- a) This subsection Section applies to underground storage tank activity requiring a permit and/or consisting of removal, abandonment-in-place, ~~installation--upgrader~~ repair or relining (but ~~not tank-tightness-or cathodic-protection-testing~~).

1) ~~Not~~ Notification:

Notice of UST activity shall be given to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, in writing (the permit application, as specified in Section 170.541, shall constitute such writing) by the contractor. Notice of removal of a UST shall be given to the Office at least 30 days prior thereto, unless such action is in response to a known or suspected release, which has been assigned an incident number by Illinois Emergency Management Agency. In the event of a known or suspected release, the Office of the State Fire Marshal may waive the 30-day waiting period; however, a permit is still required.

2) ~~Not~~ Establishment of a Date Certain:

A) ~~Not~~ The contractor the permit was issued to or an employee of that contractor (this does not include a subcontractor) shall establish a date certain to perform the UST activity by contacting the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, by telephone between 8:30 a.m. and 12:00 p.m., at which time a mutually agreed upon date and time for the UST activity shall be scheduled.

B) ~~Not~~ No permitted removal, abandonment-in-place, repair or relining ~~UST-activity-or-portion-of-a-UGS-activity~~ is to be performed without an Office of the State Fire Marshal Storage Tank Safety Specialist (STSS) present, as deemed necessary by the Office (see appropriate Appendix).

3) ~~Not~~ In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to 430 ILCS 15/2, subject to the terms of such an agreement and to the extent the City is authorized to supervise the above-referenced activities, the City is authorized to substitute references in this Section to the Office of the State Fire Marshal or its agents or employees with comparable terminology.

- b) This subsection applies to underground storage tank activity requiring a permit and consisting of installation and upgrade (including corrosion protection upgrades).

1) Notification and Establishment of Time Certain and Date Certain:
A) After the approved permit is issued by the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety (DPCS) and received by the contractor, a Job Schedule

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(see appropriate Appendix) shall be submitted for the installation or upgrade by transmitting it (by mail, express mail, package service, fax, or e-mail) to the Office of the State Fire Marshal, DPCS. Permitted activity will be scheduled no less than 10 working days from the approval date shown on the permit and no less than five working days from the submission date of the Job Schedule. Time Certain and Date Certain activities will only be scheduled on State working days. The DPCS will transmit a stamped acknowledgement receipt back to the contractor within one working day. A copy of this receipt, along with a copy of the permit, will be kept on the job site at all times. Work will not commence until the contractor obtains this receipt. Time Certain activities in reference to tank installation are Air Test on the Tanks prior to installation, Air Test on Primary Lines prior to backfill, and Final Inspection. Date Certain activities are Tank Installation and Air Test on Secondary Containment. Time Certain activities will be scheduled for a period of at least two working hours and subsequent activities will not proceed until the time period is over. Date Certain activities will be scheduled to start on the scheduled day after appropriate Time Certain events have been completed.

No permitted and scheduled Time Certain or Date Certain activity is to be performed outside the schedule without the prior notice to the Office of the State Fire Marshal, DPCS. Changes made to Time Certain and Date Certain schedules will occur a maximum of two times. These changes must be received, using the appropriate form (by mail, express mail, package service, fax, or e-mail) a minimum of two working days or 16 working hours before the event is scheduled. A new Time Certain or Date Certain cannot be scheduled prior to five working days or 40 working hours from the submission date of the revised Job Schedule. The DPCS will transmit a stamped acknowledgement receipt of the revised Job Schedule back to the contractor within one working day. Time or Date Certain activities will not resume until the contractor obtains this receipt. A copy of the revised Job Schedule Receipt will be kept, along with the original Job Schedule Receipt and a copy of the permit, on site during all permitted activities.

D) Time Certain and Date Certain activities may be cancelled, with consent of the OSM Storage Tank Safety Specialist (STSS), without the two working day or 16 working hour notice, due to adverse natural occurrences or other emergency. A cancelled activity may be rescheduled, either inside or outside of the five working day/40 working hour waiting period. These cancellations do not count as a

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- scheduled Time Certain or Date Certain change under subsection (b)(1)(C).
- 2) In the event authority is delegated to the City of Chicago to enforce UST rules and regulations under 430 ILCS 15/2, and subject to the terms of the delegation agreement and the City's authority to supervise the activities regulated by this subsection (b), the City may substitute, for references to the OSGM or its agents or employees, comparable references to the City or its agents or employees.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 170-672 Pre-'74 and Heating Oil USTs

- a) Although USTs not in operation at any time after January 1, 1974 (commonly referred to as "pre-'74 USTs") are not registrable (see Section 170-440) and are not required to be removed, unless the Office of the State Fire Marshal has determined that a release from the USTs poses a current or potential threat to human health and the environment, they remain classified as USTs; consequently, if they are removed or abandoned-in-place, permits secured in accordance with Section 170-541 are required, as well as compliance with all other applicable Sections in this Subpart.
- b) Heating oil USTs (for consumptive use on the premises where stored), regardless when last in operation, are not required to be removed, unless the Office of the State Fire Marshal has determined that a release from the USTs poses a current or potential threat to human health and the environment. However, they remain classified as USTs; consequently, if they are removed or abandoned-in-place, permits secured in accordance with Section 170-541 are required. Also, they are subject to the notification requirements in Section 170-440, as well as compliance with all other applicable Sections in this Subpart.
- c) All USTs referenced in subsections (a) and (b) of this Section, which the Office of the State Fire Marshal has not determined are the source of a release that poses a current or potential threat to human health and the environment, remain classified as USTs and are subject to all applicable Sections in this Subpart.
- d) Heating oil USTs installed prior to April 1, 1995 are not required to meet the new tank performance standards or leak detection requirements contained in this Part.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 170-1300 Possession of OSHA Identification Cards by Certified Individual Contractors and Certified Employees of Contractors

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- a) Certified individual ~~individual~~ contractors, certified and employees of contractors and subcontract excavation operators (involved in UST related operations) shall possess 40 hour General Site Worker Program Identification Cards and any valid Refresher Cards, which comply with Occupational Safety and Health Administration (OSHA) standards, on UST job sites at all times, and such cards shall be produced upon request by any Office of the State Fire Marshal representative. This is applicable only to UST installations, repairs, relinings, removals, abandonments-in-place and physical interior inspections. Subcontractors, such as electricians, truck drivers, concrete masons, canopy erectors, or crane operators would not be required to have the Site Worker Program Identification Card but must comply with the standards established by the OSHA General Site Worker Program. The compliance will be accomplished by direct (line of sight) supervision by the permit holding certified individual contractors and their employees. These OSHA standards are located in the document titled: "Occupational Safety and Health Standards and Interpretations," OSHA Standard 1910.120, "Hazardous Waste Operations and Emergency Response," 55 F.R. 14074, April 13, 1990 and 56 F.R., 15833, April 18, 1991, available from United States Department of Labor, Occupational Safety and Health Administration (OSHA), 230 South Dearborn Street, Room 3244, Chicago, IL 60604, (312) 353-2220.
- b) UST activities may be shut down by any Office of the State Fire Marshal representative if individual contractors or their employees are not in compliance with this Section. Such work shall not resume until approval is granted by the Office.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 170. APPENDIX A Checklist for Underground Storage Tank Installation

UST installations shall follow 41 Ill. Adm. Code 170 and any referenced material. The following checklist shall be adhered to as prescribed by the Office of the State Fire Marshal (OSFM) regulations, including adopted standards. These requirements do not exempt anyone from any other State or federal laws or regulations. Underground storage tank or "UST" includes underground pipes and cathodic protection connected thereto.

OSFM Storage Tank Safety Specialists (STSSs) witness ALL testing of USTs before installation, the placement of USTs and all backfilling operations around USTs.

- ___ A. Secure proper permitting and provide required notice of installation to OSFM.
- ___ B. Conduct on-site inspection to ensure accuracy of approved site plans, drawings and actual equipment being installed.
- ___ C. Equipment with sufficient lifting capacity shall be used to unload and place USTs into the tank excavation. Tanks shall not be rolled, dropped or dragged.
- ___ D. Upon delivery at the installation site, tanks and piping shall be inspected to detect any evidence of damage to coatings or structure.
- ___ E. Upon discovery of any damage to tanks or piping, repairs shall be in accordance with manufacturer's instructions or supervision.
- ___ F. Prepare excavations to ensure safe movement of equipment and materials. Excavations shall provide adequate space for the installation of tanks, piping and ancillary equipment. Special attention shall be given to sloping or shoring the sides of the excavation to make it stable.

TIME CERTAIN INSPECTION! STOP!

~~OSFM-STSSs-witness-ABS-testing-of-USTs-before-installation,--the-placement--of-USTs-and-all-backfilling-operations-around-USTs.~~

- ___ G. To prevent flotation of USTs as a result of high water table or flooding, approved anchorage methods or ballasting shall be installed.
- ___ H. Pipe trenches shall meet manufacturer's specifications and API 1615, Section 10.3.1, for depth, width, slope, spacing and placement of pipe within.

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- ___ I. Pipe installation shall meet manufacturer's specifications and API 1615, Sections 9.3 and 9.4. Joint adhesive and thread sealant shall meet manufacturer's requirements for petroleum products, including ethanol or methanol blended gasoline.

TIME CERTAIN INSPECTION! STOP!

Conduct two hour Time Certain Air Test ~~OSFM-STSSs-witness-ABS-air-tests~~ of pipe installation and examine any corrosion protection before backfilling of pipe trenches.

- ___ J. Wiring of electric pumps and all electrical equipment in connection therewith shall conform to Chapter 5 of NFPA 70.

~~OSFM-STSSs-SHALE-DE-ON-GIVES-TO-WITNESSES-THE-FINAL-INSPECTION-AND-TESTING-OF-ABS-EQUIPMENT-AND-MONITORING-DEVICES-~~

TIME CERTAIN INSPECTION! STOP!

After all work has been completed and the system has been put into service, a two hour Time Certain Final Inspection ~~OSFM-shall-be-notified--so-a-Final inspection will~~ can be made on leak detection equipment, spill and overfill equipment and the electrical system.

- ___ K. The completed ~~Tank-owners-shall-file-the~~ Notification of Underground Storage Tanks form will be ready to present to the OSFM Storage Tank Safety Specialist during the Final Inspection ~~with--OSFM-within--99 days-after-product-is-placed-in-the-system.~~

- ___ L. Contractors shall complete the manufacturer's installation checklist for USTs and piping and submit it to the manufacturer or owner, as applicable. The contractor shall maintain a copy of such checklist.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 170. APPENDIX F Required Job Schedule for Catholic Protection Upgrade**REQUIRED JOB SCHEDULE FOR CATHOLIC PROTECTION UPGRADE**

- (1) FACILITY - name and address
where tanks are located
- (2) CONTRACTOR - person, firm or
company performing work

Name _____

Street Address _____

City _____ County _____ Zip _____

Permit Number _____ Facility Number _____

Permit Approval Date _____

// First allowable Job _____
Schedule Revision _____

- (3) Excavation _____
Starts _____
- Date _____ Mo./Day/Year _____
(Excavation Start will be no less than 10 working days from
Permit Approval or no less than 5 working days from Submission
Date)

- (4) Inspect _____
Install: _____
- Date _____ Mo./Day/Year Time AM/PM Begin Inspect = End Inspect
(Two hour inspection of all underground work, prior to
backfilling)

- (5) Final: _____
- Date _____ Mo./Day/Year Time Begin Final = End Final AM/PM
(Representative of Contractor to be present for two hours
between the Begin Final and End Final)

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No permitted and scheduled Time Certain or Date Certain activity is to be performed outside of the schedule without prior notice to the Office of the State Fire Marshal, Department of Petroleum and Chemical Safety (DPCS). Changes made to Time Certain and Date Certain schedules will occur a maximum of two times. These changes must be received, using the appropriate form (by mail, express mail, package service, fax, or e-mail) a minimum of two working days, or 16 working hours, before the event is scheduled. A new Time Certain or Date Certain cannot be scheduled prior to five working days or 40 working hours from the submission date of the revised Job Schedule. The DPCS will transmit a stamped acknowledgement receipt of the revised Job Schedule back to the contractor within one working day. Time or Date Certain activities will not resume until the contractor obtains this receipt. A copy of the revised Job Schedule Receipt will be kept, along with the original Job Schedule Receipt and a copy of the permit, on site during all permitted activities.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 170. APPENDIX G Required Job Schedule for Underground Piping Upgrade**REQUIRED JOB SCHEDULE FOR UNDERGROUND PIPING UPGRADE**(1) **FACILITY** - name and address
where tanks are located(2) **CONTRACTOR** - person, firm or
company performing workNameNameStreet AddressStreet AddressCity County ZipCity State ZipPermit Number Facility NumberContact Phone FaxPermit Approval DateJob Schedule Submission Date/ / First allowable Job
Schedule Revision/ / Last allowable Job
Schedule Revision(3) ExcavationDate Mo./Day/YearStart:
(Excavation start will be no less than 10 working days from
Permit Approval or no less than 5 working days from Submission
Date)(4) Air TestPrimary:Date Mo./Day/Year Time Begin Test - End Test AM/PM
(Air Test for primary pipe performed from Begin Test time and
to stay on at least two hours to End Test time)(5) Air TestSecondary:Date Mo./Day/Year
(Air Test Secondary if necessary to be performed after Air Test
Primary)

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(6) Final:Date Mo./Day/Year Time Begin Final - End Final AM/PM
(Representative of Contractor to be present for two hours
between the Begin Final and End Final)

No permitted and scheduled time certain or date certain activity is to be performed outside of the schedule without prior notice to the Office of the State Fire Marshal, Department of Petroleum and Chemical Safety (DPCS). Changes made to time certain and date certain schedules will occur a maximum of two times. These changes must be received, using the appropriate form (by mail, express mail, package service, fax, or e-mail) a minimum of two working days, or 16 working hours, before the event is scheduled. A new time certain or date certain cannot be scheduled prior to five working days or forty working hours from the submission date of the revised job schedule. The DPCS will transmit a stamped acknowledgement receipt of the revised job schedule back to the contractor within one working day. Time or date certain activities will not resume until the contractor obtains this receipt. A copy of the revised job schedule receipt will be kept, along with the original job schedule receipt and a copy of the permit, on site during all permitted activities.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 170. APPENDIX B Required Job Schedule for Underground Storage Tank Installation

REQUIRED JOB SCHEDULE FOR UNDERGROUND STORAGE TANK INSTALLATION

- (1) **FACILITY** - name and address where tanks are located
- (2) **CONTRACTOR** - person, firm or company performing work

Name _____
Street Address _____
City _____ State _____ Zip _____
Contact Phone _____ Fax _____

City _____ State _____ Zip _____
Permit Number _____ Facility Number _____
Contact Phone _____ Fax _____

Permit Approval Date _____ Job Schedule Submission Date _____
// First allowable Job Schedule Revision _____
// Last allowable Job Schedule Revision _____

(3) **Excavation Start:** _____
Date _____
(Excavation Start will be no less than 10 working days from Permit Approval or no less than 5 working days from Submission Date)

(4) **Air Test Tanks:** _____
Date Mo./Day/Year Time Begin Test = End Test AM/PM
(Air Test above ground performed from Begin Test time and will stay on at least two hours until End Test time)

(5) **Tank Installation:** _____
Date Mo./Day/Year
(Tank Installation will not proceed until Air Test Tanks is complete)

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- (6) **Air Test Primary:** _____
Date Mo./Day/Year Time Begin Test = End Test AM/PM
(Air Test for primary pipe performed from Begin Test time and to stay on at least two hours to End Test time)

(7) **Air Test Secondary:** _____
Date Mo./Day/Year
(Air Test Secondary if necessary to be performed after Air Test Primary)

(8) **Final:** _____
Date Mo./Day/Year Time Begin Final = End Final AM/PM
(Representative of Contractor to be present for two hours between the Begin Final and End Final)

No permitted and scheduled Time Certain or Date Certain activity is to be performed outside of the schedule without prior notice to the Office of the State Fire Marshal, Department of Petroleum and Chemical Safety (DPCS). Changes made to Time Certain and Date Certain schedules will occur a maximum of two times. These changes must be received, using the appropriate form (by mail, express mail, package service, fax, or e-mail) a minimum of two working days, or 16 working hours, before the event is scheduled. A new Time Certain or Date Certain cannot be scheduled prior to five working days or forty working hours from the submission date of the revised Job Schedule. The DPCS will transmit a stamped acknowledgment receipt of the revised Job Schedule back to the contractor within one working day. Time or Date Certain activities will not resume until the contractor obtains this receipt. A copy of the revised Job Schedule Receipt will be kept, along with the original Job Schedule Receipt and a copy of the permit, on site during all permitted activities.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 170. APPENDIX I Required Checklist for Underground Storage Tank System Upgrade**REQUIRED CHECKLIST FOR UNDERGROUND STORAGE TANK SYSTEM UPGRADE**

UST installations shall follow 41 Ill. Adm. Code 170 and any referenced material. The following checklist shall be adhered to as prescribed by the Office of the State Fire Marshal (OSFM) regulations, including adopted standards. These requirements do not exempt anyone from any other State or federal laws or regulations. Underground storage tank or UST includes underground pipes and cathodic protection connected to the tank.

- A. Secure proper permitting and provide required Piping Upgrade Job Schedule or Cathodic Protection Upgrade Job Schedule to OSFM and obtain the stamped acknowledgement receipt. Copies of stamped Job Schedule Receipt and Permit must be kept on site.
- B. Conduct on-site inspection to ensure accuracy of approved site plans, drawings and actual equipment being installed.

- C. Upon discovery of any damage to piping, repairs shall be in accordance with manufacturer's instructions or supervision.

- D. Prepare excavations to ensure safe movement of equipment and materials. Excavations shall provide adequate space for the installation of piping and ancillary equipment. Special attention shall be given to sloping or shoring the sides of the trench to make it stable.

- E. Pipe trenches shall meet manufacturers specifications and API 1615, Section 10.3.1, for depth, width, slope, spacing and placement of pipe.

- F. Pipe installation shall meet manufacturer's specifications and API 1615, Sections 9.3 and 9.4. Joint adhesive and thread sealant shall meet manufacturer's requirements for petroleum products, including ethanol or methanol blended gasoline.

TIME CERTAIN INSPECTION!

Conduct two hour Time Certain Air Test of pipe installation or examine any corrosion protection installation before backfilling of pipe trenches.

- G. Wiring of electric pumps and all associated electrical equipment shall conform to Chapter 5 of NFPA 70.

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- H. Backfill trenches per PEI RP 100 manufacturer's instructions. Backfilling will not commence until Time Certain inspection or Air Test has concluded.

TIME CERTAIN INSPECTION!

After all work has been completed and the system has been put into service, a two hour Time Certain Final Inspection will be made on leak detection equipment, spill and overflow equipment and the electrical system.

- I. The completed Notification of Underground Storage Tanks form will be ready to present to the OSFM Storage Tank Safety Specialist during the Final Inspection.

Contractors shall complete the manufacturer's installation checklist for USTs and piping and submit it to the manufacturer or owner, as applicable. The contractor shall maintain a copy of the checklist.

The OSFM requires compliance when a tank system is upgraded with this Required Checklist for Underground Tank Upgrade, pursuant to 430 ILCS 15, the Gasoline Storage Act. Failure to do so may result in the issuance of Contractor Notice of Violation (CNOV) for violations of 41 Ill. Adm. Code 170, potentially resulting in fines.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Administration of Social Service Programs2) Code Citation: 89 Ill. Adm. Code 130

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
130.300	Amendment
130.301	Repeal
130.302	Repeal
130.310	Repeal
130.311	Repeal
130.312	Repeal
130.313	Repeal
130.314	Repeal
130.315	Repeal
130.320	Repeal
130.321	Repeal

4) Statutory Authority: Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/9-1, 12-4.5 through 12-4.7, and 12-13].5) A Complete Description of the Subjects and Issues involved: These proposed amendments revise the Emergency Food Assistance Program provisions.6) Will these proposed amendments replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does these proposed amendments contain incorporations by reference? No9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762

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Telephone number: (217) 785-9772

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page.

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TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 130

ADMINISTRATION OF SOCIAL SERVICE PROGRAMS

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Program Administration
Definitions
Goal of Services
Service Activities
Expenditure of Block Grant Funds
Limitations on Services and Expenditures
Eligibility For Services
Opportunity to Apply For and Receive Services
Client Case Records
Purchase of Services
Record Retention
Fees For Purchased Services
Fees For Services Provided Through Grants-In-Aid
Reporting Requirements

SUBPART B: LOCAL INITIATIVE FUND PROGRAM

Section
130.100
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Applicability Of Other Sections
Overview
Program Administration
Request For Proposal
Allied Agency Responsibilities
Funding Mechanism
Sources of Local Funds
Sources of Locally Generated Funds Used to Match Title XX Funds
Donor Restrictions on Donations (Repealed)
Reimbursement Process - Donations (Transferred Funds or Co-Payments)
Advance Disbursement System
Reimbursement Process (Certification of Expended Funds)
Assignment of Budget Costs

SUBPART C: DOMESTIC VIOLENCE PROGRAM

Section
130.200

Domestic Violence Shelter and Service Programs

SUBPART D: DISTRIBUTION OF FEDERAL SURPLUS COMMODITIES

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Section
130.300
130.301
130.302
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130.321

Program Administration
Definitions (Repealed)
Allocation Methodology for Federal Surplus Commodities (Repealed)
Distribution Network Agencies (Repealed)
Local Distribution Network Centers (Repealed)
Liability of Distribution Network Agencies (Repealed)
Reports and Maintenance of Records (Repealed)
Payment for Distribution (Repealed)
Second Harvest Shared Maintenance Fees (Repealed)
Eligibility to Receive Commodities (Repealed)
Issue Rates of Commodities (Repealed)

SUBPART E: SERVICES FOR THE HOMELESS

Section
130.400

Emergency Food and Shelter Program

SUBPART F: INCORPORATION BY REFERENCE

Section
130.500

Incorporation By Reference

AUTHORITY: Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/9-1, 12-4.5 through 12-4.7, and 12-13]; and Sections 2 and 3 of the Domestic Violence Shelters Act [20 ILCS 1310/2 and 3].

SOURCE: New rules adopted and codified at 8 Ill. Reg. 6069, effective April 25, 1984; amended at 9 Ill. Reg. 8645, effective May 22, 1985; amended at 9 Ill. Reg. 15882, effective October 6, 1985; amended at 10 Ill. Reg. 11915, effective July 3, 1986; amended at 11 Ill. Reg. 2828, effective January 30, 1987; amended at 13 Ill. Reg. 3831, effective March 17, 1989; amended at 13 Ill. Reg. 16756, effective October 13, 1989; amended at 14 Ill. Reg. 13772, effective August 20, 1990; amended at 14 Ill. Reg. 14537, effective August 29, 1990; amended at 15 Ill. Reg. 16111, effective November 1, 1991; amended at 16 Ill. Reg. 13292, effective September 1, 1992; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 24 Ill. Reg. _____, effective _____.

SUBPART D: DISTRIBUTION OF FEDERAL SURPLUS COMMODITIES

Section 130.300 Program Administration

- a) The Department shall administer a program for the distribution of Federal Surplus Commodities to needy individuals and households made

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available in the Emergency Food Assistance Program (TEFAP) (See Section-130-320) by contracting with local-governmental-units-and private, not-for-profit agencies to establish a statewide network for emergency feeding and commodity distribution.

b) In no instance may fees be assessed against recipients of commodities under the program programs.

c) The receipt of surplus commodities under this program shall not affect an individual's or household's eligibility for assistance under any other program administered by the Department, and the commodities received shall not be considered as income in determining the level of assistance program benefits to which the individual or household may be entitled.

d) Participation in political or religious activities of affiliation with any organization shall not be made a condition of eligibility to receive commodities.

e) Individuals and households shall be eligible to receive Federal Commodities if they meet the following criteria:

- 1) reside in Illinois; and
- 2) have individual or household income that is no greater than 130% of the Federal poverty income levels published annually in the Federal Register by the U.S. Department of Health and Human Services.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 130.301 Definitions (Repealed)

a) "Distribution-Network-Agency"-(BNA)-means-a-private-voluntary not-for-profit-agency-which-has-a-tax-exempt-status-or-governmental agency-legally-authorized-to-operate-within-the-State-of-Illinois-with which-the-Department-has-a-contract-to-distribute-commodities-in-a designated-geographic-area;

b) "Local-Distribution-Entity"-(LDE)-means-a-private-not-for-profit-or local-government-agency-which-distributes-Federal-Surplus-Commodities to-eligible-recipient-households-under-contract-to-a-Distribution Network-Agency;

c) "Mass-Distribution" is primarily that distribution which is performed periodically-to-a-mass-assembly-gathered-at-an-appointed-place-and time-and-may-include-pre-registration-of-eligible-households-and-home delivery-to-shut-ins;

d) "Pantry-allocation" means that portion of Federal-Surplus-Commodities available-to-the-State-which-are-allocated-through-Emergency-Food Pantries-for-distribution;

e) "Pantry-Distribution" means-distribution-of-Federal-Surplus Commodities-to-individual-households-or-families-through-an-Emergency Food-Pantry-which-provides-staple-foodstuffs-has-regular-hourly-has food-available-on-a-continuous-basis-and-has-foods-available-in

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addition-to-Federal-Surplus-Commodities-

f) "Second-harvest" means-the-National-Association-in-which-Food-Banks must-have-recognized-standing-and-membership-in-order-to-apply-to assess-a-shared-maintenance-fee-to-its-membership-for-receipt-of Federal-Surplus-Commodities;

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 130.302 Allocation Methodology for Federal Surplus Commodities (Repealed)

a) Allocation-of-Federal-Surplus-Commodities-(FSC)-shall-be-by-geographic areas-designated-by-the-Department;

b) Designation-of-Geographic-Areas:

1) Boundaries-of-geographic-areas-for-the-counties-of-Cook-and-St.-Clair-shall-be-coincident-with-the-boundaries-of-local-offices of-the-Department-and/or-city-county-lines;

2) the-boundaries-for-geographic-areas-for-the-remainder-of-the counties-shall-be-by-county-line;

c) Allocation-Permits:

1) A-county-shall-receive-a-periodic-allocation-of-commodities-in-an amount-which-bears-the-same-ratio-to-the-total-of-available commodities-as-the-county's-population-eligible-to-receive-food stamps-bears-to-the-population-of-Illinois-who-are-eligible-to receive-food-stamps;

2) the-percentage-allocation-will-be-recomputed-not-less-than semi-annually-and-shall-be-based-on-the-then-most-current-month for-which-data-regarding-the-Food-Stamp-Program-are-available;

3) the-allocation-for-Cook-County-shall-be-further-subdivided-by providing-each-geographic-area-identified-by-a-U.S.-Postal Service-ZIP-Code-with-an-allocation-of-the-total-of-available commodities-allocated-to-Cook-County-which-bears-the-same-ratio as-the-number-of-eligible-food-stamp-recipients-within-the geographic-area-bears-to-the-county-as-a-whole;

4) the-allocation-for-St.-Clair-County-shall-be-further-subdivided by-providing-each-geographic-area-designated-by-the-Department with-an-allocation-of-the-total-of-available-commodities allocated-to-St.-Clair-County-which-bears-the-same-ratio-as-the number-of-food-stamp-recipients-in-the-geographic-area-bears-to the-county-as-a-whole;

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 130.310 Distribution Network Agencies (Repealed)

a) Distribution-Network-Agencies-(DNA)-shall-be-selected-by-the-

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- Department through a request for proposal process.
- b) Requests for proposals will be announced by newspaper publication and will be sent to all agencies currently serving as BNA's or which have expressed an interest in being a BNA by contacting the Department.
- c) Agencies may make application to act as a BNA for one geographic area or several.
- d) Agencies may make application to provide mass distribution or pantry distribution.
- e) In order to serve as a BNA, an agency must assure the Department that it:
- 1) has the ability to serve the geographic area for which it is bidding, either directly or through subcontractors with sufficient distribution sites to allow eligible recipients access to the program without unreasonable travel requirements?
 - 2) will locate distribution sites in areas readily accessible to the target population?
 - 3) will serve all eligible persons?
 - 4) has the ability to distribute all available commodities in an orderly fashion?
 - 5) has the ability to determine the eligibility of each applicant in accordance with the provisions of Section 130.326?
 - 6) will maintain required fiscal inventory and distribution records?
 - 7) has the ability to properly store all products received and to assure maintenance of quality and provision of adequate security?
 - 8) has the ability to provide for program publicity throughout the geographic area to inform as many potential program participants as possible of the availability of the program?
 - 9) maintains an agency policy and practice of nondiscrimination?
 - 10) has procedures for receipt, investigation and resolution of complaints?
 - 11) will not diminish the agency's historic level of expenditure for food prior to the receipt of commodities and will use commodities to supplement other food sources?
 - 12) will enter into a written contractual agreement with the Department which includes the terms and conditions specified above; and
 - 13) when application is made for pantry distribution will assure that BNA's shall meet the criteria included in the definition of Emergency Food Pantry.
- f) Applicants will be considered only from responsible applicants and must contain a responsive proposal. A responsible applicant is one that has the capacity to perform all aspects of the contract at the time of award or execution of the contract. Whether is later, a responsive proposal is one that responds to all requirements of the Request for Proposal and is received by the date and time set forth in the Request. The Department will select those applicants judged best able to carry out the provisions set forth in (e) above.

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- g) Applicants who respond to a Request for Proposal and are not awarded a contract have the right to protest the decision not to award a contract. In considering protests, the Department will follow 14-111r Adm. Code 1 Subpart 1. Applicants may request the score on their proposal only. Protests or objections must be made in writing and received by the Department no later than 7 calendar days from the action objected to. A written response will be provided to the bid protests or objections that are timely filed. The decision of the Department on a bid protest or objection is final.
- h) The Department has the right to terminate a contract immediately if the terms and conditions of the contract are breached. A contract may be terminated by either party upon 90 days advance written notice.
- i) A contractor shall notify the Department within 5 days if it becomes insolvent, files for bankruptcy or is declared bankrupt or makes an assignment for the benefit of creditors.

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 130.311 Local Distribution Centers (Repealed)

BNA's may subcontract with local distribution centers (LDC's) to assist them in the distribution process.

- a) LDC's must be not for profit agencies or local governmental units.
- b) Subcontracting with an LDC shall not relieve a BNA of its liability or responsibility for any commodities which may be transferred under a subcontracting agreement.
- c) The Department has the right of approval of LDC's and of any subcontractors which may be entered into between BNA's and LDC's.
- d) LDC's may provide distribution to eligible households either through emergency pantries or mass distribution.

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 130.312 Liability of Distribution Network Agencies (Repealed)

- a) Each BNA shall be liable for loss, theft, damage or deterioration of Federal Surplus Commodities while they are in possession of the BNA and for distribution to non-eligible households through failure to conform to the requirements of Section 130.326(e).
- b) BNA's may self-insure or obtain insurance to cover the potential loss of commodities, but in either case must show proof of financial responsibility at least equal to the maximum value of commodities which may be in possession at any given time during the contract period.
- c) Sale or other disposal of commodities into commercial channels is

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strictly prohibited; the sale, exchange, or use of commodities for personal gain or any other form of fraud or abuse is subject to Federal and State prosecution. Commodities shall not be distributed in conjunction with any political activity, partisan or otherwise.

(Source: Repealed at 24 Ill. Reg. _____, effective _____.)

Section 130.313 Reports and Maintenance of Records (Repealed)

a) Each BNA shall be responsible for the maintenance of accurate and complete records on all Federal Surplus Commodities received and distributed and for reporting to the Department for any month the BNA receives, distributes or has inventory on hand.

1) the amounts of each commodity distributed to each Distribution Center;

2) any remaining inventory;

3) any losses during the reporting period; and

4) the number of households served.

b) Each BDC shall be responsible for obtaining accurate and complete records pertaining to households that receive Federal Surplus Commodities and for submitting household participation records to the BNA upon request. Individual household recipient records will include:

1) name and address;

2) number of persons in the household;

3) date, type and amount of commodity;

4) method of establishing eligibility;

c) Each BNA which receives reimbursement for distribution costs and all Second Harvest Food Banks which assess a shared maintenance fee shall submit a cost report on a quarterly basis. This report shall be in a format prescribed by the Department and shall include all income and allowable costs associated with commodities received, storage distribution, and recordkeeping which may be required under the program. Allowable costs are those that are directly related to the operation of the commodities distribution program. Documentation to substantiate reported costs shall be maintained by each BNA.

d) Records are to be maintained for a period of 3 years from the close of the federal fiscal year to which they pertain.

(Source: Repealed at 24 Ill. Reg. _____, effective _____.)

Section 130.314 Payment for Distribution (Repealed)

Based upon the availability of Federal funds, the Department will make available at least 40 percent of the Federal administrative funds provided by the United States Department of Agriculture to pay for delivery of commodities

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to BNAs and to help offset the costs of distribution, the amount which may be paid to a BNA may not exceed the actual allowable costs (see Section 130.313(c)) incurred by the BNA in fulfilling its distribution responsibilities.

(Source: Repealed at 24 Ill. Reg. _____, effective _____.)

Section 130.315 Second Harvest Shared Maintenance Fees (Repealed)

The Department will approve a maintenance fee assessed to user organizations by a food bank affiliated with Second Harvest. The fee, along with all other program income, shall not exceed those actual allowable costs (see Section 130.313(c)) incurred by the food bank in carrying out its responsibilities associated with the program.

(Source: Repealed at 24 Ill. Reg. _____, effective _____.)

Section 130.320 Eligibility to Receive Commodities (Repealed)

a) Individuals and households shall be eligible to receive Federal Surplus Commodities if they meet the following criteria:

1) Illinois residency; and

2) individual or household income is at or below 125 percent of the currently applicable Federal poverty income Guidelines which are revised annually and published in the Federal Register.

b) The Department shall promptly notify each BNA in writing of any changes in the Federal poverty income Guidelines annually after they become available.

c) The distribution agency, either BNA or EBC, will determine eligibility of each individual and household which applies to receive Federal Surplus Commodities based on one of the following methods:

1) Verification of current status as a recipient of financial assistance under a program of Aid to Families with Dependent Children (AFDC), General Assistance (GA), or other program for which the income eligibility standard is at or below 125 percent of the Federal poverty level; or

2) Self-declaration by the applicant that the total individual or household income, based on family size, is within the eligibility limits;

d) Participation in political or religious activities or affiliation with any organization shall not be made a condition of eligibility to receive commodities.

(Source: Repealed at 24 Ill. Reg. _____, effective _____.)

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Section 130.321 Issue Rates of Commodities (Repealed)

Individuals--or households--which are determined--eligible--to--receive--commodities shall--receive--available--commodities--in--amounts--consistent--with--the--amount--of each--product--available--and--the--size--of--the--household--unit--if--distribution--is less--than--monthly--issue--rates--may--be--increased--proportionately.

Commodity	1-2 persons	3-5 persons	7-1 persons
Raisins	--1 package	--1 package	--1 package
Cornmeal	--1 package	--1 package	--1 package
Honey	--1 package	--2 packages	--3 packages
Peanut-Butter	--1 package	--2 packages	--3 packages
Pork	--1 package	--2 packages	--3 packages
Vegetarian	--1 package	--3 packages	--3 packages
--Beans	--2 packages	--3 packages	--3 packages
Butter	--1 package	--2 packages	--4 packages
Green-Beans	--1 package	--3 packages	--4 packages
Flour	--2 packages		

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Service Planning and Provision

2) Code Citation: 89 Ill. Adm. Code 684

3) Section Numbers: 684.90
Proposed Action: Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will amend the Section on coordination of Home Services Program and Other Services to remove the limitation on the provision of Home Services to customers receiving Vocational Rehabilitation Services. This amendment will allow a customer to be served concurrently by both programs.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor Harris Bldg.
 Springfield IL 62762
 (217)785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

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B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated when the Regulatory Agenda was prepared.

The full text of the Proposed Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER G: HOME SERVICES PROGRAM

PART 684

SERVICE PLANNING AND PROVISION

Section

- 684.10 Service Plan
- 684.20 Procuring an Appropriate Service Provider
- 684.30 Family Members as Service Providers
- 684.40 Distribution of the Service Plan
- 684.50 Service Plan Content
- 684.60 Provision of Services
- 684.70 Service Planning Limitations
- 684.75 Required Physician's Certification of HSP Service Plan
- 684.80 Interim Services
- 684.90 Coordination of HSP and Other Services
- 684.100 Denial or Termination of HSP Services

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5129, effective March 21, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18955, effective October 1, 1998; amended at 23 Ill. Reg. 6470, effective May 17, 1999; amended at 23 Ill. Reg. 12644, effective October 4, 1999; amended at 24 Ill. Reg. 2687, effective February 2, 2000; amended at 24 Ill. Reg. _____, effective _____.

Section 684.90 Coordination of HSP and Other Services

- a) ~~Buring any period covered by a DHS-ERS Vocational Rehabilitation--(VR) Program--(89--Ill. Adm. Code--Subchapter--a) Individualized Written Rehabilitation Program--(WRP)--(89--Ill. Adm. Code--512) Which--is developed to allow the provision of training services to a customer; no services through HSP may be provided--if the customer has an active--HSP case--and is receiving services at the time the WRP commences; the customer's HSP case must be moved to inactive status or closed;~~
- b) ~~Services may be provided to a customer--receiving--those--VR--services described in subsection--(a)--above; during breaks from the training facility as long as no duplicate services are being provided--through the VR Program;~~
- a c) No HSP services may be provided to an individual who is a student under the age of 21 during the hours covered by the individual's Individualized Education Plan (IEP). Services for which the customer

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is determined eligible through HSP may be provided during the period the customer is not receiving services through his/her IEP.

b) Customers receiving services through HSP must, at the earliest possible date, apply for and accept, if eligible, all other benefits which may affect HSP eligibility or services.

c) All individuals applying for HSP services ~~on or after October 1, 1991~~ must apply for, and have an eligibility determination made for, Medicaid benefits through DPA. Customers in an active service status prior to October 1, 1991, may choose to apply for Medicaid.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Managed Care Reform & Patient Rights

2) Code Citation: 50 Ill. Adm. Code 5420

3) Section Numbers:
 5420.30 Proposed Action:
 Amendment
 5420.130 New Section
 5420.140 New Section
 EXHIBIT D New Section
 EXHIBIT E New Section
 EXHIBIT F New Section

4) Statutory Authority: Implementing the Managed Care Reform and Patient Rights Act (215 ILCS 134) and authorized by Section 401 of the Illinois Insurance Code (215 ILCS 5/401).

5) A Complete Description of the Subjects and Issues Involved: P.A. 91-617, which created the Managed Care Reform and Patient Rights Act, empowers the Department to draft regulations for the registration of utilization review programs and to establish fees for such registration.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this amendment contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes
 Please see Section 5420.Exhibit F.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

David Van Lieshout
 Assistant Chief Counsel
 Department of Insurance
 320 West Washington
 Springfield, Illinois 62767-0001
 (217) 782-0708

Denise Hamilton
 Rules Unit Supervisor
 Department of Insurance
 320 West Washington
 Springfield, Illinois 62767-0001
 (217) 785-8560

12) Initial Regulatory Flexibility Analysis:

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TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER kkk : HEALTH CARE SERVICE PLANS

PART 5420	
MANAGED CARE REFORM & PATIENT RIGHTS	
Section	Purpose
5420.10	Applicability
5420.20	Definitions
5420.30	Provision of Information
5420.40	Notice of Nonrenewal or Termination
5420.50	Transition of Services
5420.60	Health Care Services, Appeals, Complaints and External Independent Reviews
5420.70	Joint Resolution of Complaints - Department of Insurance and Department of Public Health - Notification and Resolution Process
5420.80	Record of Complaints
5420.90	Access and Quality of Care from Providers Without Primary Care Physician Referral or Authorization
5420.100	Emergency Services
5420.110	Post Stabilization Services
5420.120	Registration of Utilization Review Organizations
5420.130	Operational Requirements
5420.140	

EXHIBIT A	Description of Coverage - Cover Page
EXHIBIT B	Description of Coverage - Worksheet
EXHIBIT C	Complaint Record and Column Descriptions
EXHIBIT D	Application for Registration of a Utilization Review Organization
EXHIBIT E	Utilization Review Organization Officers and Directors Biographical Affidavit
EXHIBIT F	Utilization Review Organization Compliance Checklist

AUTHORITY: Implementing the Managed Care Reform and Patient Rights Act [215 ILCS 134] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Emergency rules adopted at 23 Ill. Reg. 12466, effective September 27, 1999, for a maximum of 150 days; adopted at 24 Ill. Reg. 3374, effective February 10, 2000; amended at 24 Ill. Reg. _____, effective _____.

Section 5420.30 Definitions

Act means the Managed Care Reform and Patient Rights Act [215 ILCS 134] ~~effective January 17, 2000; except Sections 260--and~~

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Utilization review organizations will be directly affected by these proposed amendments.
- B) Reporting, bookkeeping or other procedures required for compliance: Please see Section 5420.130, 5420.140 and Exhibits D, E and F of this Part.
- C) Types of professional skills necessary for compliance: Administrative and clerical
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000
- The full text of the Proposed Amendments begins on the next page:

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299--of--the-Act-which-took-effect-on-August-19,1997--and-Sections-25 and-85-of-the-Act-which-took-effect--on-July-17-2009).

Code means the Illinois Insurance Code including any of the Acts in Chapter 215 of the Illinois Compiled Statutes.

Department means the Illinois Department of Insurance.

Director means the Director of the Illinois Department of Insurance.

Health Care Plan means a plan that establishes, operates, or maintains a network of health care providers that has entered into an agreement with the plan to provide health care services to enrollees to whom the plan has the ultimate obligation to arrange for the provision of or payment for services through organizational arrangements for ongoing quality assurance, utilization review programs, or dispute resolution. Nothing in this definition shall be construed to mean that an independent practice association or a physician hospital organization that subcontract with a health care plan is, for purposes of that subcontract, a health care plan. For purposes of this definition, "health care plan" shall not include the following: (1) indemnity health insurance policies including those using a contracted provider network; (2) health care plans that offer only dental or only vision coverage; (3) preferred provider administrators, as defined in Section 3709(g) of the Illinois Insurance Code; (4) employee or employer self-insured health benefit plans under the Federal Employee Retirement Income Security Act of 1974; (5) health care provided pursuant to the Workers' Compensation Act or the Workers' Occupational Diseases Act; and (6) not-for-profit voluntary health services plans with health maintenance organization authority in existence as of January 1, 1999 that are affiliated with a union and that only extend coverage to union members and their dependents.

Health Care Provider means any physician, hospital facility, or other person that is licensed or otherwise authorized to deliver health care services. Nothing in the Act shall be construed to define independent practice associations or physician hospital organizations as health care providers.

Health Utilization Management Standards of the American Accreditation Healthcare Commission/URAC, hereinafter URAC.

Joint Commission on Accreditation of Healthcare Organizations, hereinafter JCAHO.

Long-Standing Relationship means the continuous relationship between an enrollee and his or her primary care physician of not less than 5 years; except in the case of a child 5 years or under who has had a

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continuous relationship with the same primary care physician since birth, placement for adoption, guardianship or foster care.

Managed Care Organization (MCO) means a partnership, association, corporation or other legal entity, including but not limited to individual practice associations (IPAs) and Physician Hospital Organizations (PHOs), which delivers or arranges for the delivery of health care services through providers it has contracted with or otherwise made arrangements with to furnish such health care services.

National Committee for Quality Assurance, hereinafter NCQA.

Ongoing Course of Treatment means the treatment of a condition or disease that requires repeated health care services pursuant to a plan of treatment by a physician because of the potential for changes in the therapeutic regimen.

Person means a corporation, association, partnership, limited liability company, sole proprietorship, or any other legal entity.

Referral Arrangement means that for each referral or standing referral, a referral arrangement exists between a participating primary care physician and a participating specialist physician or a participating health care provider when a participating primary care physician makes a referral of an enrollee for that referral or standing referral to a participating specialist physician or participating health care provider.

Standing Referral means a written referral from the primary care physician for an ongoing course of treatment pursuant to a treatment plan specifying needed services and time frames developed by a specialist in consultation with the primary care physician and in accordance with procedures developed by the health care plan.

Utilization Review means the evaluation of the medical necessity, appropriateness, and efficiency of the use of health care services, procedures, and facilities.

Utilization Review Organization means an entity that has established one or more utilization review programs. This definition does not include:

persons providing utilization review program services only to the federal government;

self-insured health plans under the Federal Employee Retirement Income Security Act of 1974 (ERISA); however, this Part does not apply to persons conducting a utilization review program on

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behalf of these health plans:

hospitals and medical groups performing utilization review activities for internal purposes; however, this Part does apply when the hospital or medical group is conducting utilization review for another person.

Utilization Review Program means a program established by a person to perform utilization review for the purpose of reimbursement.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 5420.130 Registration of Utilization Review Organizations

- a) Registration: On or after July 1, 2000, a utilization review organization may not conduct utilization review for persons subject to Section 85 of the Managed Care Reform and Patient Rights Act [215 ILCS 134/85] unless the utilization review organization has registered with the Director. An application for registration shall be in a format as set forth in Exhibit D of this Part, and must be signed by an officer or director of the utilization review organization.
- b) Fees: A utilization review organization must register with the Director every two years. A fee of \$3,000 must be submitted with each application or renewal unless the utilization review organization is accredited by URAC, NCQA or JCAHO, in which case the fee is \$1500.
- c) Any material changes in the information filed pursuant to this Part shall be filed with the Director within 30 days after such change. Loss of accreditation status will require re-registration and payment of a \$3000 fee pursuant to subsections (a) and (b) of this Section.
- d) Renewals and Appeals:

1) A registered utilization review organization may continue to operate, if the application and fee have been filed 30 days prior to the renewal date, until the renewal is denied or issued by the Director.

2) If the renewal application and fee are not received prior to the renewal date, the registration will automatically expire and the utilization review organization must re-register and pay a fee pursuant to subsections (a) and (b) of this Section.

3) If an application for registration or renewal is denied under this Part, the applicant may appeal such denial by requesting a hearing under the terms of Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/1 Art. 10]. A petition for hearing must be postmarked no later than 30 days from the date of initial denial. A hearing shall be scheduled within 45 days after the petition is filed with the Director. A decision by the Director shall be rendered within 60 days after the close of the hearing.

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(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 5420.140 Operational Requirements

A Utilization review organization shall comply with all URAC standards, set forth in Exhibit F of this Part. Utilization review decisions shall be issued pursuant to the Managed Care Reform and Patient Rights Act [215 ILCS 134]

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 5420. EXHIBIT D Application for Registration of a Utilization Review Organization

1. Name of Applicant _____

Type of Applicant (check one):

- ____ Corporation
____ Partnership
____ Limited Liability Corporation
____ Other (Describe) _____

FEI Number _____

Contact Person _____

Business Telephone Number () _____

Fax Number () _____

Email Address _____

2. Type of Utilization Review Organization (check one):

- ____ Health Care Utilization
____ Comprehensive Utilization Review
____ Specialty Utilization Review

Check all categories that apply (as applicable):

- ____ Licensed HMO providing utilization review services outside of the
____ HMO
____ Licensed HMO providing utilization review services only within
____ that HMO
____ Third Party Administrator
____ Licensed insurance company providing utilization review services
____ outside of that insurance company
____ Licensed insurance company providing utilization review services
____ only within that insurance company
____ Hospital or medical group providing utilization review services
____ for other than internal purposes
____ Other (Describe) _____

3. Business Address

Street (do not use PO Box) _____

City _____ State _____ Zip _____

4. Mailing Address

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Street or P.O. Box _____

City _____

State _____

Zip _____

5. Business Telephone Number () _____

Fax Free Number () _____

FAX Number () _____

Email Address/Website _____

6. Agent for Service of Process in Illinois

Name _____

Street Address (do not use P.O. Box) _____

City _____

State _____

Zip _____

7. For each Utilization Review Program supply the following information:

- a) The name, address, telephone number and normal business hours of the utilization programs.
b) The organization and governing structure of the utilization review programs.
c) The number of lives for which utilization review is conducted by each utilization program.
d) Hours of operation of each utilization review program.
e) Description of the grievance process for each utilization program.
f) Number of covered lives for which utilization review was conducted for the previous calendar year for each utilization review program.
g) Written policies and procedures for protecting confidential information according to applicable State and Federal laws for each utilization review program.
h) Biographical information for organization officers and directors as set forth in Exhibit E of this Part. Biographical affidavits shall be stamped "confidential" by the utilization review organization.

8. How does the Utilization Review Organization comply with 50 Ill. Adm. Code 5420.1307 (check one)

- a) Accredited by (check one and provide proof of accreditation):

____ URAC
____ NQA
____ JCAHO

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Section 5420. EXHIBIT F Utilization Review Organization Compliance Checklist

Compliance is based on American Accreditation HealthCare Commission/URAC (AAHC/URAC) standards. Full compliance with these standards and all subparts thereof is required. For a full description of these requirements see the AAHC/URAC *Health Utilization Management Standards* (American Accreditation HealthCare Commission/URAC, 1275 K Street NW, Suite 1100, Washington, D.C. 20005, 1997, no later editions or amendments).

Information included in parenthesis is for summary purposes only and is not meant to be a substitution for the URAC standards being incorporated herewith by reference. Terms used herein have the meanings assigned to them by URAC unless such meaning is in conflict with Illinois law as it applies to health care plans.

1. Utilization review decisions shall be issued pursuant to the Managed Care Reform and Patient Rights Act [215 ILCS 134].

2. STANDARD UM 1 (Written policies and procedures to protect the confidentiality of patient specific information collected during the utilization review process.)

3. STANDARD UM 2 (Policies to protect provider specific information.)

4. STANDARD UM 4 (Management staff appropriately qualified, trained and supervised with explicit written clinical review criteria and review procedure support.)

5. STANDARD UM 5 (Use of non-clinical administrative staff limited to non-clinical decision making and communication between clinical and non-clinical staff is properly supervised and prompt.)

6. STANDARD UM 6 (Appropriately trained staff with understanding of referral procedures to clinical peers.)

7. STANDARD UM 7 (Policies for clinical peer review when initial clinical review cannot make a determination to certify.)

8. STANDARD UM 8 (Clinical peer review available within one business day to discuss determination with attending physician or ordering provider.)

9. STANDARD UM 9 (Policy in place to ensure health professionals who serve as clinical peers rendering appeal decisions are up to date in the clinical area being reviewed, with appropriate board certification and oriented to the principles and procedures of utilization review.)

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10. STANDARD UM 10 (Clinical peers who handle standard appeals be in active practice.)

11. STANDARD UM 11 (Medical director has professional post-residency experience in direct patient care or an unrestricted license to practice medicine.)

12. STANDARD UM 12 (Written policies and procedures to govern all aspects of the Utilization Review process.)

13. STANDARD UM 13 (If Utilization Review Organization delegates or subcontracts Utilization Review functions, the Utilization Review Organization exercises oversight of the delegated or subcontracted functions to ensure they are performed in accordance with AAHC/URAC standards.)

14. STANDARD UM 14 (Uses explicit clinical review criteria and scripted clinical screening that are current, reviewed on a regular basis, and available in cases resulting in a non-certification decision.)

15. STANDARD UM 15 (Implementation and documentation of structured professional staff management program demonstrating a formal program of orientation and training for all clinical reviewers.)

16. STANDARD UM 17 (Written clinical qualifications and a process for periodic performance evaluation for all clinical reviewers, both staff and consultants.)

17. STANDARD UM 18 (Periodic formal program for training as well as ongoing monitoring and evaluation of the performance of non-clinical administrative staff involved in all levels of the review process.)

18. STANDARD UM 19 (Maintains and documents a quality management program promoting objective and systematic monitoring and evaluation of Utilization Review processes and services.)

19. STANDARD UM 20 (Quality management program includes a written plan addressing: scope and objective, program organization, monitoring and oversight mechanisms, and evaluation and organizational improvement of clinical review activities.)

20. STANDARD UM 21 (Quality management program includes written documentation verifying the ongoing monitoring for compliance with AAHC/URAC standards.)

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21. — STANDARD UM 22 (Provides telephone review service to ensure timely access to patients, providers and facilities during business and non-business hours.)
22. — STANDARD UM 23 (If onsite reviews are conducted, such reviews are carried out according to facility policies and procedures.)
23. — STANDARD UM 24 (Routine prospective, concurrent or retrospective reviews use all reasonable sources of information to collect only information required to render a review decision.)
24. — STANDARD UM 25 (Data collection should be limited to information concerning enrollees that is pertinent to the review process.)
25. — STANDARD UM 26 (Reasonable costs of medical record duplication should be reimbursed unless otherwise provided for by contract or law.)
26. — STANDARD UM 27 (Written procedures in place assuring reviews and second opinions are conducted in a timely manner.)
27. — STANDARD UM 28 (Written policies and procedures for providing notification of review determinations, both for certification and non-certification, that are comprehensive and include who receives the notification and how, the contents of the notification and time frames within which the notification must be sent.)
28. — STANDARD UM 29 (Written procedures to address the failure or inability of a provider, patient, or their representative to provide the necessary information for review. If the patient or provider will not release the necessary information certification may be administratively denied in accordance with the applicable health plans policy.)
29. — STANDARD UM 30 (Providers have the opportunity to discuss a non-certification determination with the original peer reviewer in a timely manner and there is backup in cases where the original peer reviewer is not available whereby another clinical peer reviewer is available within one business day after the request for reconsideration to discuss the case with the provider.)
30. — STANDARD UM 31 (If a reconsideration or peer to peer conversation does not resolve a difference of opinion, the physician or ordering provider is, at the time of the conversation, informed of the right to initiate an expedited or standard appeal and the procedure to do so.)

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31. — STANDARD UM 32 (Ensuring two levels of appeal (expedited and standard) are available to all parties with a vested interest in the appeal and that a clinical peer conducting the appeal consideration is available within a reasonable time period.)
32. — STANDARD UM 34 (A documented process for telephonic expedited appeals when there is an imminent and ongoing service requiring review and that written notification of a determination made during an expedited appeal is provided within the time frames established by AHIC/URAC.)
33. — STANDARD UM 35 (Policies and procedures provide due process for patient, enrollee, the attending physician or other ordering provider, or the facility rendering service in cases where there has been a non-certification decision.)

(Source: Added at 24 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Commercial Fishing in Lake Michigan2) Code Citation: 17 Ill. Adm. Code 8503) Section Numbers:
850.50 Proposed Action:
Amendment4) Statutory Authority: Implementing and authorized by Sections 1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5].5) Complete Description of the Subjects and Issues Involved: Recent harvest restrictions have significantly reduced the income of licensees and, therefore, their individual ability to pay for vessel costs. Several license holders have requested permission to use the same vessel under each of their licenses. The proposed amendment will permit the use of the same commercial fishing vessel by more than one licensee, by allowing one licensee at a time to fish from the vessel until that licensee's quota is harvested before another licensee can fish from the vessel.6) Will this rulemaking replace any emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Commercial fishermen licensed by the Department of Natural Resources to fish Lake Michigan.

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B) Reporting, bookkeeping or other procedures required for compliance: Keep accurate daily records of catch and submit catch reports monthly to the Department by the 15th day of the following month. Submit a yearly operational plan identifying the port from which the vessel will operate and the exact location at which all harvested fish will be transferred from the vessel to shore. The operational plan is necessary to monitor the fisherman's activities for law enforcement purposes.

C) Types of professional skills necessary for compliance: No professional skills are required.

13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department did not anticipate amending this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
 CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER b: FISH AND WILDLIFE

PART 850
 COMMERCIAL FISHING IN LAKE MICHIGAN

Section	
850.5	Introduction
850.10	Possession and Identification of Gear
850.20	Quota
850.25	Seasons
850.30	Restricted Commercial Fishing Areas
850.30	Limited Entry
850.40	License Eligibility and License Provisions
850.50	Application for License
850.60	Suspension or Revocation
850.80	

AUTHORITY: Implementing and authorized by Sections 1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5].

SOURCE: Adopted at 3 Ill. Reg. 44, p. 46, effective November 1, 1979; codified at 6 Ill. Reg. 877; amended at 6 Ill. Reg. 3846, effective March 31, 1982; amended at 7 Ill. Reg. 2711, effective March 2, 1983; amended at 8 Ill. Reg. 7220, effective May 15, 1984; emergency amendment at 9 Ill. Reg. 4854, effective April 2, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 6179, effective April 23, 1985; amended at 10 Ill. Reg. 9789, effective May 21, 1986; amended at 12 Ill. Reg. 7996, effective April 25, 1988; amended at 16 Ill. Reg. 11029, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 12626, effective July 24, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18967, effective December 1, 1993; emergency amendment at 17 Ill. Reg. 17263, effective September 23, 1993, for a maximum of 150 days; emergency expired February 20, 1994; amended at 18 Ill. Reg. 3634, effective April 5, 1994; emergency amendment at 19 Ill. Reg. 5257, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10568, effective July 1, 1995; recodified by changing the name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 5553, effective April 19, 1997; amended at 24 Ill. Reg. _____, effective _____.

Section 850.50 License Eligibility and License Provisions

Lake Michigan Commercial Fishing License commences April 1 and expires March 31 and shall be valid for a period of 3 years. To be eligible for a license to fish commercially during a given fishing license year, the applicant, license holder, must meet the following requirements:

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- a) Be an individual who has actually resided in Illinois for one year immediately preceding his application for a license to be allowed to fish commercially and who does not claim residency for commercial fishing purposes in another state or country.
- b) Be a corporation incorporated in Illinois for at least one year immediately preceding the application for a license to fish commercially during a given fishing year, or a corporation incorporated in Illinois by a currently licensed Lake Michigan Commercial Fisherman.
 - 1) All stockholders of the corporations shall have been Illinois residents for at least one year immediately prior to owning any stock or interest in the corporation, and remain Illinois residents as long as they own such stock or interest.
 - 2) Individuals licensed as Lake Michigan Commercial Fisherman who wish to place the license into corporate control must own a controlling interest in the corporation (owns or controls more than 50%) at the time of transfer. The corporations need not have been in existence for one year, but must meet all other requirements.
 - 3) All transfer of ownership interest in the corporation must be reported to the Department within 10 days after transfer.
 - 4) No such corporation may be wholly or partially owned by another corporation, and no individual shall own any part of more than one business entity holding a Lake Michigan Commercial Fishing License.
- c) Have ownership or legal control of a vessel of at least 12 net tons as documented by the U. S. Coast Guard, showing an Illinois port of registration, having valid United States Coast Guard documentation in full force and effect, and in compliance with all State requirements established for such vessels in the Boat Registration and Safety Act [625 ILCS 45].
 - 1) Any request for redesignation of a fishing vessel to be used by the license holder must be submitted in writing to and approved in writing by the Chief, Division of Fisheries. Approval will be granted if the requested vessel meets the U.S. Coast Guard documentation requirements and the license holder has a valid reason for redesignation, such as loss or damage of the designated vessel or purchase of another vessel. Such requests must clearly state the reasons for redesignation, and the anticipated period of use and shall be accompanied by a copy of the United States Coast Guard document for the requested vessel. Use of the vessel designated in Illinois for commercial fishing purposes in another state shall, upon verification, nullify the designated status of the vessel for commercial fishing purposes in Illinois.
 - 2) In the event that more than one license holder wishes to designate the same vessel under their respective licenses, only one license at a time may be fished until the entire quota under

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that license has been harvested. In addition, before any licensee commences fishing, he must submit a written request to fish from the designated boat, and receive written authorization from the Chief of the Division of Fisheries.

- d) Have at least 6,000 feet of properly licensed gill netting possessing a diagonal stretched mesh measurement between 2-3/8 inches through 2-3/4 inches.
- e) Agree to keep accurate daily records of catch and must submit catch reports monthly to the Department by the 15th day of the following month on forms furnished by the Department (whether licensee did or did not catch fish). All monthly catch reports must be signed by the licensee or corporate chief executive officer. Failure to submit the required catch reports shall be grounds for suspension or revocation of the Lake Michigan Commercial Fishing License.
- f) Submit a yearly operational plan by months clearly identifying the port from which the vessel will operate and the exact location at which all harvested fish will be transferred from the vessel to shore. Transfer of fish from the license vessel to another vessel or to shore at any other location not identified in the yearly operational plan shall be grounds for suspension or revocation of the Lake Michigan commercial fishing license.
- g) Permit Department biologists and Conservation Police Officers to obtain information from fish harvested, such as lengths, weights, scale samples, sex, etc., as deemed necessary for management of Lake Michigan fish stocks.
- h) License all of the commercial equipment as required by the Illinois Fish and Aquatic Life Code and this Part. A license holder shall not fish under the commercial fishing license of another person.
- i) The captain of commercial fishing crews on board the vessel must be a resident of the State of Illinois in accordance with the definition in Section 1.3 of the Illinois Fish and Aquatic Life Code.
- j) The licensee shall notify the Chief, Division of Fisheries, of any changes (except captain) in commercial fishing crew members in writing within 14 days after the change. Changes in captains requires prior written department approval by the Chief, Division of Fisheries, and all such requests must be submitted in writing to the Chief, Division of Fisheries. Approval will be given if the captain meets the requirements set forth in this Section.
- k) A copy of the Lake Michigan Commercial Fishing license and a current listing of the captain and designated crew must be kept on board the fishing vessel at all times during the commercial fishing operations.
- l) The licensee or the designated captain of the commercial fishing crew must be on board the vessel at all times during the commercial fishing operations. The licensee shall remain responsible for all obligations owed to the State of Illinois relating to the license, whether the licensee is on board the vessel or not.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: General Hunting and Trapping on Department-Owned or -Managed Sites

- 2) Code Citation: 17 Ill. Adm. Code 510

- 3) Section Numbers: 510.10
Proposed Action:
Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

- 5) A Complete Description of the Subjects and Issues Involved: These amendments are being made to make a minor change to the alcohol restriction to prohibit the possession of alcoholic beverages in the field, not just consumption.

- 6) Will this rulemaking replace any emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:

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None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rule was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 510

GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section

510.10 General Site Regulations

510.20 Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993; amended at 18 Ill. Reg. 10608, effective July 1, 1995; reclassified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14804, effective August 3, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 510.10 General Site Regulations

a) Regulations

All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

b) Definitions:

- 1) Unauthorized person - any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.
- 2) Designated area - a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
- 3) Hunting/Trapping area - any portion of a site where actual

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hunting and/or trapping takes place. It does not include places such as parking lots, check stations, pavilions, or picnic areas associated with a hunting/trapping area.

4)3+ Restricted area - a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.

5)4+ Refuge area - a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the Department when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.

6)5+ Adult - a person 18 years of age or older.

7)6+ Waterfowl rest area - a defined location at a site with a set boundary within which no public activity or presence is allowed for a specified period of time, except as authorized by the Department.

8)7+ Hunter or trapper quota - The maximum number of hunters or trappers that can be accommodated at a site at any one time. Hunter and trapper quotas are determined by the formula of one hunter or trapper per 10-40 huntable acres. The number of huntable acres is determined by, but not limited to, the biological studies on the number of available animals within a species, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site.

9)8+ Publicly announced - The information referred to will be included on the Department's Internet Home Page at <http://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline.

c) It shall be unlawful:

- 1) For any person to **possess consume** any alcoholic beverage while in any hunting/trapping area **on any site** for the purpose of hunting or trapping.
- 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
- 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed.
- 4) To hunt or trap in a restricted area.
- 5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit dove hunting season and controlled pheasant hunting season at sites holding such seasons, or during any hunting season where such restrictions are so posted at the site, when authorized hunting is in progress.
- 6) To enter a refuge, restricted area or waterfowl rest area unless authorized by the Department.
- 7) To hunt or trap on any Department-owned or -managed land that is

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not a designated area pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740).

8) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Natural Resources hunting or trapping fees or to the operation of controlled pheasant hunting on Department lands pursuant to a written concession agreement.

9) To hunt or trap without a valid permit where permits are required.

10) To hunt with any weapon except shotgun or bow and arrow unless otherwise specified.

d) Specific Management Procedures

1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.

2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within fifteen minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).

3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, State sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.

4) At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.

5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (see Parts 650, 660, 670 and 680); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.

6) All hunter or trapper quotas are filled on a first come-first served basis unless a drawing or special permit is used. The Department shall use a special permit or drawing whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department. Hunters or trappers will be notified as expeditiously as possible through site postings, news releases or public announcements when quotas are established.

7) During pheasant, rabbit, quail and partridge season, hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.

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NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED REPEALER1) Heading of the Part: Demonstration Programs2) Code Citation: 89 Ill. Adm. Code 170

<u>Section Numbers:</u>	<u>Proposed Action:</u>
170.20	Repeal
170.30	Repeal
170.100	Repeal
170.110	Repeal
170.120	Repeal
170.130	Repeal
170.200	Repeal
170.400	Repeal
170.410	Repeal
170.450	Repeal

4) Statutory Authority: Implementing and authorized by Sections 4-1, 4-1.10, 4-8, 4-17, 11-20, 12-13 and 12-4.28 of the Illinois Public Aid Code [305 ILCS 5/4-1, 4-1.10, 4-8, 4-17, 11-20, 12-13 and 12-4.28].5) Complete Description of the Subjects and Issues Involved: All of the demonstration projects described at 89 Ill. Adm. Code 170 have now expired. With the exceptions of Retinal Scanning (Section 170.400) and Electronic Fingerprinting (AIMS) Demonstration (Section 170.410), the demonstration programs were operated by the Department of Human Services (DHS) after the State agency and human services reorganization of 1997. However, Part 170 was not recodified to DHS at that time because Subpart G: Biometric Identification Demonstration, including retinal scanning and fingerprinting, was in effect under the Department of Public Aid. The final project, electronic fingerprinting, expired on December 1, 1999. Therefore, Part 170 is now being proposed for repeal.6) Will these proposed amendments replace emergency amendments currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED REPEALER

Joanne Jones

Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
217-524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not for profit corporations affected: NoneB) Reporting, bookkeeping or other procedures required for compliance: NoneC) Types of professional skills necessary for compliance: None13) Regulatory Agenda on which this Rulemaking Was Summarized: This rulemaking was not included on either of the two most recent agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 9: DEMONSTRATION PROGRAMS

PART 170
DEMONSTRATION PROGRAMS (REPEALED)

SUBPART A: THE FRESH START
WELFARE REFORM DEMONSTRATION PROGRAM

Section 170.10 Youth Employment and Training Initiative (Repealed)
170.20 Paternal Involvement Project
170.30 Homeless Families Support Project
170.40 Family Responsibility Project (Repealed)
170.50 Income Budgeting Project (Repealed)

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section 170.100 The Career Advancement Program
170.110 Career Advancement Experimental and Control Groups
170.120 Career Advancement Participation Requirements of Experimental Group Members
170.130 Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section 170.200 Community Group Participation Program

SUBPART D: EARNED INCOME INITIATIVE

Sections 170.250 Work Pays Demonstration (Repealed)

SUBPART E: THE SCHOOL ATTENDANCE INITIATIVE

170.300 School Attendance Initiative (Repealed)

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section 170.350 Family Accountability (Repealed)
170.360 Get a Job Initiative (Repealed)
170.370 Targeted Work Initiative (TWI) (Repealed)
170.380 Quarterly Reporting - Failure to Report Employment Demonstration Project (Repealed)

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170.390 Employment Plan Demonstration Project (Repealed)

SUBPART G: BIOMETRIC IDENTIFICATION DEMONSTRATION

Section 170.400 Retinal Scanning
170.410 Electronic Fingerprinting (AIMS) Demonstration

SUBPART H: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS)
DEMONSTRATION PROGRAM

Section 170.450 Young Parent Services South Home Visitor, Demonstration (Project Link)

SUBPART I: DASA/DPA SUBSTANCE ABUSE INITIATIVE

Section 170.500 DASA/DPA Substance Abuse Initiative (Repealed)

AUTHORITY: Implementing and authorized by Sections 4-1, 4-1.10, 4-8, 4-17, 11-20, 12-13 and 12-4.28 of the Illinois Public Aid Code [305 ILCS 5/4-1, 4-1.10, 4-8, 4-17, 11-20, 12-13 and 12-4.28].

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3372, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 7901, effective June 8, 1995; emergency amendment at 19 Ill. Reg. 15256, effective November 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15849, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16314, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 866, effective January 1, 1996; amended at 20 Ill. Reg. 4333, effective February 29, 1996; amended at 20 Ill. Reg. 5685, effective March 30, 1996; amended at 20 Ill. Reg. 6029, effective April 13, 1996; amended at 20 Ill. Reg. 6517, effective April 29, 1996; amended at 21 Ill. Reg. 1379, effective January 15, 1997; amended at 21 Ill. Reg. 1700, effective January 27, 1997; amended at 21 Ill. Reg. 2230, effective February 1, 1997; emergency amendment at 21 Ill. Reg. 8620, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13601, effective October 1, 1997; repealed at 24 Ill. Reg. _____, effective _____.

SUBPART A: THE FRESH START
WELFARE REFORM DEMONSTRATION PROGRAM

Section 170.20 Paternal Involvement Project

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- a) The Paternal Involvement Project is a federal waiver demonstration program operated by the Department of Public Aid. The purpose of the project is to demonstrate that non-custodial fathers of AFDC children will have greater financial and emotional involvement with their children after they receive employment training through the JOBS program.
- b) Selection Criteria
 - 1) All participants currently enrolled in the Paternal Involvement Project and any new applicants are eligible to participate. Participation is voluntary, but participants must meet the following requirements:
 - 2) have income that qualifies them for Food Stamps and be between the ages of 18 and 35;
 - 3) agree to participate in the program for at least two years regardless of continued Food Stamp eligibility;
 - 4) have a child(ren) that receives AFDC and secure consent to have the family participate in the project from the child(ren)'s mother; and
 - 5) agree to have paternity adjudicated upon entering the program if paternity has not been legally established.
- c) Supportive services will be provided to all participants enrolled in an education and training program.
- d) Participation Requirements
 - 1) Individuals eligible for participation in the demonstration program are subject to and must comply with the terms, conditions and requirements for Project Chance contained in 89 Ill. Adm. Code 112.70 through 112.82. Participants are not subject to the terms, conditions and requirements of 89 Ill. Adm. Code 121.160, Food Stamp Employment and Training eligibility requirements.
- e) Experimental and Control Groups
 - 1) Experimental group. All individuals participating in the project will form the experimental group.
 - 2) Control group. The control group consists of those individuals who meet the criteria of subsection (b) above and have volunteered to participate in the control group. The number of control group participants shall be 50% of the total number of project participants.
- f) As long as the Paternal Involvement Project is in effect, a person designated as an experimental or control group member retains that designation for purposes of data collection even if that person's Food Stamp eligibility changes or if he leaves the project.

Section 170.30 Homeless Families Support Project

- a) The Homeless Families Support Project is a four year demonstration program of experimental design operated by the Department in cooperation with Catholic Charities of Joliet and Chicago Coalition for the Homeless or their successor agency. The purpose of the

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- a) demonstration program is to determine if enhanced employment incentives to homeless AFDC recipients will lead to long-term employment and a more stable environment and enable the client to achieve self-sufficiency.
- b) Elements of the Homeless Families Support Project
 - 1) The Homeless Families Support Project will implement the following provisions:
 - 1) Provide families an alternative earned income disregard allowing them a disregard of two-thirds of their earnings. Child care will be treated as a recognized employment expense as defined in Section 112.143(b) or may be issued as a supplemental payment in accordance with the provisions of Section 112.364.
 - 2) Increase the family asset limitations to \$3,000.
 - 3) Extend Transitional Child Care benefits from twelve (12) to twenty-four (24) months for families terminated for reason of earned income and without regard to AFDC receipt in three (3) of the six (6) months preceding ineligibility by reason of earnings and hours of work.
 - 4) Extend transitional Medicaid eligibility, without regard to income, from twelve (12) to twenty-four (24) months for families terminated for reasons of earned income.
 - 5) Extend emergency assistance payments to a family more frequently or for a longer period than thirty (30) days in any twelve (12) month period not to exceed six (6) months in any-twelve month period. A client may receive the extended emergency assistance as long as the reason for the need is different in each circumstance.
 - 2) Selection Criteria
 - 1) The Department will randomly select for participation in the Homeless Families Support Project AFDC recipients who:
 - a) lack a fixed regular and adequate night time residence; i.e., those in shelters, temporary quarters, or living in places not designed for human habitation;
 - 2) reside in either Will, Cook or DuPage County;
 - 3) participate in a program operated by either Catholic Charities of Joliet or Chicago Coalition for the Homeless or their successor agency; and
 - 4) volunteer for the program.
 - 2) Experimental and Control Groups
 - 1) Individuals selected pursuant to subsection (c) above will be randomly assigned to one of the following groups:
 - A) an experimental group which shall consist of those individuals who will be entitled to the program enhancements. A total of 250 cases will be assigned to the experimental group from Will and DuPage Counties and a total of 50 cases will be assigned to the experimental group from Cook County; or
 - B) a control group which shall consist of those individuals who

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meet the criteria of subsection (c) above but will not be entitled to the program enhancements, except for the provisions of Section 170.30(b)(1) above. A total of 250 cases will be assigned to the control group from Will and DuPage Counties and a total of 50 cases will be assigned to the control group from Cook County.

- 2) As long as the Homeless Families Support Project is in effect, a person designated as an experimental or control group member retains that designation even if that person leaves the project area or stops receiving AFDC.

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section 170.100 The Career Advancement Program

- a) The Career Advancement Program is a five year demonstration program of experimental design, operated by the Department of Public Aid. The purpose of the demonstration program is to determine if voluntary participation in a program providing supportive services for education and training for individuals who are employed and no longer eligible for Aid to Families With Dependent Children (AFDC) cash assistance (see 89 Ill. Adm. Code 112) will measurably lower the instances of individuals returning to receive AFDC cash assistance.

- b) Former AFDC recipients are eligible for selection into the Career Advancement Program. The Department will select individuals who:
 - 1) are members of former AFDC cases and no longer eligible for AFDC cash assistance due to employment, but earning less than 185% of the Standard of Need;

- 2) apply for the Career Advancement Program within one (1) year from the date the individual is no longer eligible for AFDC cash assistance due to employment;

- c) Supportive services will be provided to selected individuals enrolled in an education and training program.

Section 170.110 Career Advancement Experimental and Control Groups

- a) All individuals eligible under Section 170.100(b) will be sent a written notice describing the Career Advancement Program at the time the client is no longer eligible for AFDC cash assistance, and four and eight months later. An individual who requests to participate in this Program will be randomly assigned by computer to one of the following groups:
 - 1) an experimental group. The experimental group consists of those individuals who meet the criteria of Section 170.100(b) and will be offered the services described in Section 170.130; or
 - 2) a control group. The control group consists of those individuals who meet the criteria of Section 170.100(b) but are not allowed to comply with the requirements of Sections 170.120 and 170.130.

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- b) Individuals who request to participate in the Career Advancement Program will be informed by written notice of the outcome of the selection by the Department.

- c) Length of time in Program and Supportive Services
 - 1) Admission to the program is on a one-time only basis. As long as the Career Advancement Program is in effect, a person designated as an experimental or control group member retains that designation, even if the person again becomes an AFDC recipient, if the individual again stops receiving AFDC he/she may not reapply for the Career Advancement Program.

- 2) Once assigned to the experimental group, the individual may receive supportive services for up to one (1) year from the date of selection for the program.

- d) Individuals who leave the state or die or whose youngest child in the household becomes eighteen (18) years of age, will no longer be eligible to participate in Career Advancement Program.

- e) Participation in the Career Advancement Program is voluntary for all persons who are eligible as described in subsection (b).

- f) To preserve the experimental design, enrollment in the Career Advancement Program is limited to only experimental group members.

Section 170.120 Career Advancement Participation Requirements of Experimental Group Members

- a) Individuals must provide written verification of enrollment from an education or training program (of their choice) prior to issuance of supportive services by Career Advancement (see Section 170.130).

- b) Individuals who drop out of an education or training program will remain in the experimental group, but will no longer receive supportive services.

- c) Fraudulent enrollment in an education or training program for receipt or use of Career Advancement supportive services will result in discontinuance of supportive services.

Section 170.130 Career Advancement Supportive Services for Experimental Group Members

- a) Individuals must provide verification of need for supportive services.
- b) The Career Advancement Program will provide supportive services payments to assist individuals with costs for:
 - 1) Day Care

- 2) Transportation

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transportation to and from the education and training program site. Transportation payments are made at the most economical of all methods of conveyance. If the individual's own automobile is used, the established rate per mile (i.e., 21¢ per mile) will be approved, which includes all vehicle-related expenses.

- 3) **Mandatory Fees**
fees for application, registration, activities, laboratory, graduation, and CED testing and certification. A maximum of \$300 covering the one (1) year participation period may be issued for fees.
- 4) education and training equipment, books, and supplies. A maximum payment of \$300 covering the one (1) year participation period will be issued for these items.
- c) Tuition will not be paid by the Department.

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section 170-200 Community Group Participation Program

- a) The Department will contract with Bethel New Life (Bethel), a Chicago-based community development corporation for the implementation of the Community Group Participation Program. Bethel will replace Project Chance for 500 of the 1000 AFDC recipients volunteering for the demonstration project. The volunteers will come from a pool of AFDC mandatory and voluntary participants in Project Chance living in zip code 60624.

- b) Elements of the Community Group Participation Program

The Department will contract with Bethel to provide administrative, no-fee training and counseling services that the Department normally provides for Project Chance participants.

- 1) Child care, transportation and other support services will be paid for according to the utilization by participants and according to 89 Ill. Adm. Code 112.82. The Department will contract with Bethel to provide those services.
- 2) Participants in Project Chance may volunteer to participate in the Community Participation Program at Project Chance orientation sessions (see 89 Ill. Adm. Code 112.76). At the close of the Project Chance orientation session those interested in the Community Participation Program may remain to hear the Bethel presentation. Names will be assigned to either the experimental or control groups based on an existing random number table.
- 3) Bethel will conduct introduction and orientation sessions to inform potential participants about their program and the participants' responsibilities. Assessment and assignment to appropriate education and training programs will be done by Bethel as set forth in 89 Ill. Adm. Code 112.72 through 112.78.
- c) Participants who do not cooperate with or no longer desire to participate in the Community Group Participation Program will be

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referred back to Project Chance.

- d) Housing Supplementation Project
1) Bethel will also operate a Housing Supplementation Project. This project will involve a maximum of fifty persons selected from the five hundred Community Group Participation Program volunteers (see subsection (a)(2)). Housing will be subsidized in part by grants equal to 6 months of AFDC benefits per participant. These grants will serve as seed money for newly employed people who volunteer and are selected by Bethel to work at \$6 an hour to build sweat equity in a home. Working 750 hours will provide money for a down payment on a home. The rest of the down payment will come from existing foundation sources through Bethel.
- 2) Prior to their leaving cash assistance, Bethel may identify up to fifty (50) AFDC mandatory and volunteer participants in the Community Group Participation Program for enrollment in the Housing Supplementation Project. The criteria for enrollment include but are not limited to:
 - A) expressing an interest;
 - B) attending a self help housing orientation session;
 - C) volunteering for the project; and
 - D) demonstrating credit worthiness (e.g. a history of paying utility bills or paying rent on time)
- 3) The first 50 qualified individuals who meet these criteria will be selected for the project. Participation in the project is voluntary. An AFDC recipient who wants to participate in the Housing Supplementation project must agree to all provisions in this Section prior to the time of participation in the program.

SUBPART G: BIOMETRIC IDENTIFICATION DEMONSTRATION

Section 170-400 Retinal Scanning

The Department will operate the Illinois Retinal Identification System (I-SCAN) as a demonstration project for three years beginning March 1, 1996. The purpose of this project is to test the use of retinal scanning technology. The Granite City and East Alton local offices in Madison County have been designated as the research site.

- a) Selection of Participants

Unless exempt, the following persons will be required to participate in I-SCAN by undergoing a retinal scan:

- 1) all adult applicants for AFDC (Category 04) and AFDC-U (Category 06) cash assistance;
- 2) all adult recipients of AFDC (Category 04) and AFDC-U (Category 06) cash assistance, including:
 - A) second parents, and
 - B) minor grantees for cases in which he or she is considered an adult; and
- 3) all payees for AFDC (Category 04) and AFDC-U (Category 06)

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assistance units who do not receive cash benefits in the case (except for protective payees and representative payees for teens).

b) Exemption from Participation in Retinal Scanning

- 1) A person with both eyes bandaged will be granted a temporary exemption from participation. To be granted the exemption, the person must provide a statement from a doctor verifying the medical condition. The exemption shall continue until the Department takes further action. When granting the initial exemption, the Department shall establish a date as to when the client's condition is expected to end or improve to the point that he or she can undergo a retinal scan.
- 2) A person who is legally blind will be granted a permanent exemption from participation.

c) Participant Cooperation

- 1) The failure or refusal of a mandatory participant, who is not medically exempt, to cooperate with I-SCAN requirements will result in ineligibility for the entire AFDC assistance unit.

A) When the cash assistance portion of an application for AFDC, Medical and/or Food Stamps is denied, the local office will continue to process the Medical and Food Stamp portions.

- B) Active cases for which AFDC cash assistance has been terminated will continue to be eligible for Medical and Food Stamps.

- 2) In the event of a system failure or an extended period of downtime, a person who agrees to have a retinal scan shall be considered as having cooperated. The person shall be required to return to the local office and complete the scanning process when the system is operational.

- 3) A mandatory adult who does not cooperate with I-SCAN requirements and applies for AFDC at another local office shall have the reason for their non-cooperation reviewed by the Department.

- 4) In no instance shall the issuance of benefits be delayed beyond the application processing time limits as specified in 89 Ill. Adm. Code 110-20.

- 5) The Department shall provide material to all AFDC applicants and recipients which will explain the following information:

A) the retinal scanning process;

B) the reason for the process;

C) the confidentiality of the information; and

- D) the fact that cooperation with the retinal scanning process is a condition of eligibility.

d) Intake

The local office will complete a retinal scan when a person applies for assistance. The local office shall be notified if an applicant fails to complete the retinal scanning process.

- 1) The applicant will be given a second opportunity to complete a retinal scan as part of the eligibility interview process. If

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the applicant fails to appear for the eligibility interview or refuses to be scanned, the Department shall deny the cash assistance portion of their application.

- 2) When a retinal scan produces a match, Department staff shall review the match information to determine if there is possible fraud.

- 3) Department staff shall forward match information which indicates potential fraud to Department investigators for further review.

- 4) The Department's investigators shall advise the local office to deny the application if their investigation validates the match and finds no satisfactory reason for its occurrence.

e) Active Cases

- 1) The local office shall send a notice to adults in AFDC cases scheduled for a face-to-face redetermination advising them of the retinal scanning requirement. The notice shall also advise the mandatory adult or adults that he or she will be scheduled for a retinal scanning appointment at the completion of his or her redetermination interview.
- 2) The Department shall centrally generate and mail a retinal scanning reminder letter to clients in AFDC cases scheduled for a mail-in redetermination. The letter shall explain that retinal scanning is a requirement for continued AFDC cash eligibility.
- 3) When a retinal scan produces a match, Department staff will receive the information on certain cases. Department staff shall refer the match information on these cases to the Department's investigators for further review.

- 4) The Department's investigators shall advise the local office to take appropriate action to cancel AFDC cash assistance if the follow-up investigation validates the match and finds no satisfactory reason for its occurrence. The Department shall give the assistance unit appropriate notice that its cash assistance is being canceled. Once the appropriate notice has been given, the local office shall cancel the cash assistance portion of the AFDC case.

- 5) The local office shall make every effort to accommodate clients when they must reschedule their retinal scanning appointments. When a mandatory client fails to appear for his or her scheduled appointment and does not call to reschedule, the local office shall send a notice of negative action to the client for failure to comply with retinal scanning requirements.

- 6) The notice shall advise clients that they must comply with the retinal scanning requirement and reschedule the appointment in order to prevent cancellation of their cases. Clients who fail to respond to the notice will have their AFDC cash assistance canceled.

- 7) Whenever a new adult is added to an active case or there is a change in the payee, the local office shall inform the new individual of the I-SCAN requirements and schedule a retinal

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scanning appointment.

- 8) If a mandatory adult who is included in or is the payee for an active AFDC Medicaid case requests AFDC cash assistance, the local office shall inform the individual of the I-SCAN requirements and schedule a retinal scanning appointment. If the person fails to comply, the local office shall not approve the request for cash assistance.

Section 170.410 Electronic Fingerprinting (AIMS) Demonstration

The Department will operate the Illinois Automated Identification and Watch System (AIMS) as a Statewide demonstration project for three years beginning December 1, 1996. The purpose of this project is to test the use of electronic fingerprinting technology. The DuPage County local office and the West Suburban and Western local offices in Cook County have been designated as the research sites.

- a) Selection of Participants

Unless exempt, the following persons will be required to participate in AIMS by undergoing electronic fingerprinting:

- 1) all adult applicants for AFDC (Category 04) and AFDC-U (Category 06) cash assistance;
- 2) all adult recipients of AFDC (Category 04) and AFDC-U (Category 06) cash assistance, including:
 - A) second parents, and
 - B) minor grantees for cases in which he or she is considered an adult;
- 3) all payees for AFDC (Category 04) and AFDC-U (Category 06) assistance units who do not receive cash benefits in the case.

- b) Exemption From Participation in Fingerprinting

- 1) A person with both index fingers broken or bandaged will be granted a temporary exemption from participation. To be granted the exemption, the person must provide documentation from a physician which verifies the medical condition. The documentation must state when the person can be fingerprinted. The length of the exemption shall be based on the physician's statement. When the person's condition improves to the point where he or she can be fingerprinted, the Department shall contact the person so that he or she can complete the process.
- 2) A person who is missing both hands or both index fingers will be granted a permanent exemption from participation.

- c) Participant Cooperation

- 1) The failure or refusal of a mandatory participant who is not medically exempt to cooperate with AIMS requirements will result in ineligibility for the entire AFDC assistance unit.
 - A) When the cash assistance portion of an application for AFDC, Medical, and/or Food Stamps is denied, the local office will continue to process the Medical and Food Stamp portions.
- B) Active cases for which AFDC cash assistance has been

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terminated will continue to be eligible for Medical Assistance and Food Stamps.

- 2) In the event of a system failure or prolonged downtime (30 minutes or more), a person who agrees to be fingerprinted shall be considered as having cooperated. The person shall be required to return to the local office, within a specified period of time, to complete the fingerprinting process when the system is operational. If the individual does not return, within the specified period of time, he or she will be considered as not cooperating.

- 3) A mandatory adult who does not cooperate with AIMS requirements and applies for AFDC at another local office shall have the reason for his or her non-cooperation reviewed by the Department.

- 4) In no instance shall the issuance of benefits be delayed beyond the application processing time limits as specified in 89 Ill. Adm. Code 110.20.

- 5) The Department shall provide material to all AFDC applicants and recipients which will explain the following information:

- A) the fingerprinting process;
- B) the reason for the process;
- C) the confidentiality of the information; and
- D) the fact that cooperation with the fingerprinting process is a condition of eligibility.

- d) Intake

The local office will fingerprint a person when he or she applies for assistance. The local office shall be notified if an applicant fails to complete the fingerprinting process. The applicant will be given a second opportunity to be fingerprinted as part of the eligibility interview process. If the applicant fails to appear for the eligibility interview or refuses to be fingerprinted, the Department shall deny the cash assistance portion of his or her application.

- e) Active Cases

- 1) The local office shall send a notice to adults in AFDC cases scheduled for a face-to-face redetermination advising them of the fingerprinting requirement. The notice shall also advise the mandatory adult or adults that they will be scheduled for a fingerprinting appointment at the completion of their redetermination interview.
- 2) The Department shall centrally generate and mail a fingerprinting reminder notice to clients in AFDC cases not scheduled for a mail-in redetermination. The notice shall remind the client that fingerprinting is a requirement for continued AFDC cash eligibility.

- A) The notice shall instruct the client to contact the local office if he or she is unable to keep his or her appointment. The letter shall also provide a telephone number for this purpose.

- B) The notice shall advise clients that they must comply with

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the fingerprinting requirement and reschedule the appointment in order to prevent cancellation of their case or cases. Clients who fail to respond to the notice will have their AFDC cash assistance canceled.

- 3) The local office shall make every effort to accommodate clients when they must reschedule their fingerprinting appointments. When a mandatory client fails to appear for his or her scheduled appointment and does not call to reschedule, the local office shall send a notice of negative action to the client for failure to comply with fingerprinting requirements.

- 4) The Department's investigators shall advise the local office to take appropriate action to cancel AFDC cash assistance if their investigation validates the match and finds no satisfactory reason for its occurrence. The Department shall give the assistance unit appropriate notice that their cash assistance is being canceled. Once the appropriate notice has been given, the local office shall cancel the cash assistance portion of the AFDC case.

- 5) Whenever a new adult is added to an active case or there is a change in the payee, the local office shall inform the new person of the AIMS requirements and schedule a fingerprinting appointment.

- 6) If a mandatory adult who is included in or is the payee for an active AFDC Medicaid case requests AFDC cash assistance, the local office shall inform the person of the AIMS requirements and schedule a fingerprinting appointment. If the person fails to comply with AIMS requirements, the local office shall not approve the request for cash assistance.

SUBPART H: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) DEMONSTRATION PROGRAM

Section 170.450 Young Parent Services South Home Visitor Demonstration (Project Link)

- a) The Young Parent Services South Home Visitor Demonstration, Project Link, is a time-limited demonstration project administered by the Department in concert with a community-based organization. It is designed to support the development and evaluation of a home visitor component to enhance service delivery to teenage parents who are required to participate in educational and employment-related activities in the Illinois JOBS program.
- b) Teen parents who participate in the demonstration will receive services by a Home Visitor which will include modeling behavior and introduction on parenting skills, home and family management, study skills and career exploration. Teen mothers will also receive assistance in establishing paternity. Fathers of the children of program participants will be provided information and facilitating

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referrals for educational opportunities, job training and employment, assisting them to assume support obligations.

- c) Teen parents eligible to participate in the demonstration are:
 - 1) first time AFDC teen parents age 19 or under and their children; and
 - 2) teens and their children on AFDC who become parents during the demonstration and are age 19 or under.
- d) The demonstration is available to selected teen parents residing on the far south side of Chicago. Persons who are served by one of the six local Public Aid offices (Southeast, Calumet Park, Auburn Park, Roseland, South Suburban and Englewood) are eligible for the demonstration.
- e) Teen parents are randomly assigned to:
 - 1) Stream I - a control group receiving regular IDPA JOBS services;
 - 2) Stream II - an experimental group receiving JOBS services and home visitor services from Department staff; or
 - 3) Stream III - an experimental group receiving JOBS services and home visitor services from a community-based organization under contract with the Department.
- f) Participation in Project Link is mandatory for all eligible clients via a waiver granted by the U.S. Department of Health and Human Services, Administration for Children and Families. All other provisions of 89 Ill. Adm. Code 112.83 are applicable.
- g) The demonstration will study the effects of a home visitor component.
 - 1) Research will include measuring the client outcomes achieved by the two experimental groups which have a home visitor function as compared with the client outcomes achieved by the control group.
 - 2) The evaluation will describe the implementation, operation and outcomes of the program.

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hospital Services

2) Code Citation: 89 Ill. Adm. Code 148

Proposed Action:

148.310 Amendment

148.340 Amendment

148.350 Repeal

148.360 Repeal

148.370 Amendment

148.380 Repeal

148.390 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments provide for several changes to the Department's rules on hospital services. Revisions to Section 148.310 add technical clarifications on hospital review procedures pertaining to rate calculations, rate adjustments and hospital designations that impact upon rate calculations. These changes specify that written appeals must be post marked or received by the Department within 30 days after the date of the Department's notification to the hospital about reimbursement levels or hospital designations.

Proposed amendments to Part 148 are also being made regarding subacute alcoholism and drug abuse treatment services. These changes are necessary to reflect the responsibility of the Department of Human Services (DHS) for such services through the Office of Alcoholism and Substance Abuse (OASA). OASA receives all billings for these services, performs edits and separates non-Medicaid billings from Medicaid bills, and provides reimbursement for non-Medicaid services. OASA then sends Medicaid bills via tape to the Department for processing. Sections 148.360, 148.350, and 148.380, which provide service descriptions, definitions and rate appeal information, are being proposed for repeal to eliminate duplication since these subjects are now addressed in corresponding DHS rules.

Other Sections in these proposed amendments are being revised to add updates concerning reimbursement for subacute alcoholism and drug abuse treatment services, clarifications on Medicaid providers who provide treatment for such services and hearing procedures affecting providers. Claims for federal matching funds for these Medicaid eligible services are handled by the Department.

These proposed amendments are not expected to result in any budgetary changes.

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6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones

Office of the General Counsel

Illinois Department of Public Aid

201 South Grand Avenue East, Third Floor

Springfield, Illinois 62763-0002

217/524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80, and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded hospitals and providers of subacute alcoholism and substance abuse treatment services

B) Reporting, bookkeeping or other procedures required for compliance:

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None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this Rulemaking Was Summarized: This rule was not included on either of the two most recent agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 12005, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17322, effective October 1, 1993, for a maximum of 150 days; amended

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at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; amended at 24 Ill. Reg. _____, effective _____.

Section 148.310 Review Procedure

a) Inpatient Rate Reviews

1) Hospitals shall be notified of their inpatient rate for the rate year and shall have an opportunity to request a review of the rate for errors in calculation. Such a request must be submitted received in writing to by the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its their rates. The Department shall

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notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

- 2) Hospitals reimbursed in accordance with Sections 148.250 through 148.300 and 89 Ill. Adm. Code 149 with respect to per diem add-ons for capital may request that an adjustment be made to their base year costs to reflect significant changes in costs which have been mandated in order to meet State, federal or local health and safety standards, and which have occurred since the hospital's filing of the base year cost report. The allowable Medicare/Medicaid costs must be identified from the most recent audited cost report available. These costs must be significant, i.e., on a per unit basis, they must constitute one percent or more of the total allowable Medicaid/Medicare unit costs for the same time period. Appeals for base year cost adjustments must be submitted ~~received~~ in writing to ~~by~~ the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its ~~their~~ rates. Such request shall include a clear explanation of the cost change and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

b) DSH Determination Reviews

- 1) Hospitals shall be notified of their qualification for DSH payment adjustments and shall have an opportunity to request a review of the DSH add-on for errors in calculation. Such a request must be submitted ~~received~~ in writing to ~~by~~ the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its disproportionate share qualification and add-on calculations. Such request shall include a clear explanation of the error and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

2) DSH determination reviews shall be limited to the following:

- A) DSH Determination Criteria. The criteria for DSH determination shall be in accordance with Section 148.120. Review shall be limited to verification that the Department utilized criteria in accordance with State regulations.
- B) Medicaid Inpatient Utilization Rates. Medicaid inpatient utilization rates shall be calculated pursuant to Section 148.120(k)(5). Review shall be limited to verification that Medicaid inpatient utilization rates were calculated in accordance with federal and State regulations.
- C) Low Income Utilization Rates. Low Income utilization rates shall be calculated in accordance with Section 1923 of the Social Security Act and Section 148.120(a)(2) and (d). Review shall be limited to verification that low income

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utilization rates were calculated in accordance with federal and State regulations.

- D) Federally Designated Health Manpower Shortage Areas (HMSAs). Illinois hospitals located in federally designated HMSAs shall be identified in accordance with 42 CFR 5, (1989), and Section 148.120(a)(3) based upon the methodologies utilized by, and the most current information available to the Department from the Department of Health and Human Services as of June 30, 1992. Review shall be limited to hospitals in locations that have failed to obtain designation as federally designated HMSAs only when such a request for review is accompanied by documentation from the Department of Health and Human Services substantiating that the hospital was located in a federally designated HMSA as of June 30, 1992.
- E) Excess Beds. Excess bed information shall be determined in accordance with Public Act 86-268 (Code Section 148.120(a)(3) and 77 Ill. Adm. Code 1100) based upon the methodologies utilized by, and the most current information available to, the Illinois Health Facilities Planning Board as of July 1, 1991. Reviews shall be limited to requests accompanied by documentation from the Illinois Health Facilities Planning Board substantiating that the information supplied to and utilized by the Department was incorrect.
- F) Medicaid Obstetrical Inpatient Utilization Rates. Medicaid obstetrical inpatient utilization rates shall be calculated in accordance with Section 148.120(a)(4), (k)(4), (k)(6) and (k)(7). Review shall be limited to verification that Medicaid obstetrical inpatient utilization rates were calculated in accordance with State regulations.
- G) Outlier Adjustment Reviews. The Department shall make outlier adjustments to payment amounts in accordance with 89 Ill. Adm. Code 149.105 or Section 148.130, whichever is applicable. Hospitals shall be notified of the specific information which shall be utilized in the determination of those services qualified for an outlier adjustment and shall have an opportunity to request a review of such specific information for errors in calculation only. Such a request must be submitted ~~received~~ in writing to ~~by~~ the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of the specific information which shall be utilized in the determination of those services qualified for an outlier adjustment. Such request shall include a clear explanation of the error and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- D) Cost Report Reviews

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- 1) Cost reports are required from:
 - A) All enrolled hospitals within the State of Illinois;
 - B) All out-of-state hospitals providing 100 inpatient days of service per hospital fiscal year, to persons covered by the Illinois Medical Assistance Program; and
 - C) All hospitals not located in Illinois that elect to be reimbursed under the methodology described in 89 Ill. Adm. Code 149 (the DRG PFS).
- 2) The completed cost statement with a copy of the hospital's Medicare cost report and audited financial statement must be submitted annually within 90 days of the close of the hospital's fiscal year. A one-time 30-day extension may be requested. Such a request for an extension shall be in writing and shall be received by the Department's Office of Health Finance prior to the end of the 90-day filing period. The Office of Health Finance shall audit the information shown on the Hospital Statement of Reimbursable Cost and Support Schedules. The audit shall be made in accordance with generally accepted auditing standards and shall include tests of the accounting and statistical records and applicable auditing procedures. Hospitals shall be notified of the results of the final audited cost report which may contain adjustments and revisions which may have resulted from the audited Medicare Cost Report. Hospitals shall have the opportunity to request a review of the final audited cost report. Such a request must be received in writing by the Department within 45 days after the date of the Department's notice to the hospital of the results of the finalized audit. Such request shall include all items of documentation and analysis which support the request for review. No additional data shall be accepted after the 45 day period. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- e) Trauma Center Adjustment Reviews
 - 1) The Department shall make trauma care adjustments in accordance with Section 148.290(c). Hospitals shall have the right to appeal the trauma center adjustment calculations if it is believed that a technical error has been made in the calculation.
 - 2) Public level designation is obtained from the Illinois Department of Public Health as of the first day of July preceding the trauma center adjustment rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, or the licensing agency in the state in which the hospital is located, substantiating that the information supplied to and utilized by the Department was incorrect.
 - 3) Appeals under this subsection (e) must be submitted in writing to the Department and must be received or post marked within 30 days

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- after the date of the Department's notice to the hospital of its qualification for trauma center adjustments and payment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- f) Medicaid High Volume Adjustment Reviews

The Department shall make Medicaid high volume adjustments in accordance with Section 148.290(d). Review shall be limited to verification that the Medicaid inpatient days were calculated in accordance with State regulations. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification for Medicaid high volume adjustments and payment adjustment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- g) Sole Community Hospital Designation Reviews

The Department shall make sole community hospital designations in accordance with 89 Ill. Adm. Code 149.125(b). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be made submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.
- h) Geographic Designation Reviews
 - 1) The Department shall make rural hospital designation in accordance with Section 148.25(g)(3). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.
 - 2) The Department shall make urban hospital designations in accordance with Section 148.25(g)(4). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal

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must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.

- 1) Critical Hospital Adjustment Payment (CHAP) Reviews
 - 1) The Department shall make CHAP payments in accordance with Section 148.295. Hospitals shall be notified in writing of the results of the CHAP determination and calculation, and shall have the right to appeal the CHAP calculation or their ineligibility for the CHAP if it is believed that a technical error has been made in the calculation. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification for CHAP and payment adjustment amounts, or a letter of notification that the hospital does not qualify for the CHAP. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- 2) CHAP determination reviews shall be limited to the following:
 - A) Federally Designated Health Professional Shortage Areas (HPSAs). Illinois hospitals located in federally designated HPSAs shall be identified in accordance with 42 CFR 5, and Section 148.295(a)(3)(B) and (b)(3) based upon the methodologies utilized by, and the most current information available to, the Department from the Department of Health and Human Services as of the last day of June preceding the CHAP rate period. Review shall be limited to hospitals in locations that have failed to obtain designation as federally designated HPSAs only when such a request for review is accompanied by documentation from the Department of Health and Human Services substantiating that the hospital was located in a federally designated HPSA as of the last day of June preceding the CHAP rate period.
 - B) Trauma level designation. Trauma level designation is obtained from the Illinois Department of Public Health as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, substantiating that the information supplied to and utilized by the Department was incorrect.
 - C) Accreditation of Rehabilitation Facilities. Accreditation of rehabilitation facilities shall be obtained from the Commission on Accreditation of Rehabilitation Facilities as

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of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Commission, substantiating that the information supplied to and utilized by the Department was incorrect.

- D) Medicaid Inpatient Utilization Rates. Medicaid inpatient utilization rates shall be calculated pursuant to Section 148.120(k)(5). Review shall be limited to verification that Medicaid inpatient utilization rates were calculated in accordance with federal and State regulations.
- E) Perinatal level designation. Perinatal level designation is obtained from the Illinois Department of Public Health as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, substantiating that the information supplied to and utilized by the Department was incorrect.
- F) Disproportionate share eligibility. Disproportionate share eligibility shall be determined pursuant to Section 148.120. Review shall be limited to verification that the Department utilized criteria in accordance with State regulations.
- G) Occupancy ratio. The occupancy ratio shall be obtained from the Illinois Department of Public Health's published report entitled "Bed Count, Average Length of Stay, Average Daily Census and Percent Occupancy for Non-Federal Hospitals in Illinois" as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, substantiating that the information supplied to and used by the Department was incorrect.
- H) Graduate Medical Education Programs. Graduate Medical Education program information shall be obtained from the most recently published report of the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the above, substantiating that the information supplied to and utilized by the Department was incorrect.
- I) Supplemental Critical Hospital Adjustment Payment (SCHAP) Reviews. The Department shall make SCHAP payments in accordance with Section 148.296. Hospitals shall be notified in writing of the results of the SCHAP determination and calculation, and shall have the right to appeal the SCHAP calculation or their ineligibility for SCHAP payments if it is believed that a technical error has been made in the

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calculation. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification for SCHAP and payment adjustment amounts, or a letter of notification that the hospital does not qualify for SCHAP payments. Such a request must include a clear explanation of the reason for the appeal and documentation that supports the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

k) Pediatric Outpatient Adjustment payments. The Department shall make Pediatric Outpatient Adjustment payments in accordance with Section 148.297. Hospitals shall be notified in writing of the results of the determination and calculation, and shall have the right to appeal the calculation or their ineligibility for payments under Section 148.297 if it is believed that a technical error has been made in the calculation. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification under Section 148.297 and payment adjustment amounts, or a letter of notification that the hospital does not qualify for such payments. Such a request must include a clear explanation of the reason for the appeal and documentation that supports the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

l) For purposes of this Section, the term "post marked" means the date of processing by the United States Post Office or any independent carrier service.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 148.340 Subacute Alcoholism and Substance Abuse Treatment Services

a) Payment may be made for subacute alcoholism and other substance abuse treatment services provided by:

- 1) A provider licensed by the Illinois Department of Human Services Alcoholism--and--Substance--Abuse under the provisions of 77 Ill. Adm. Code 2050.255e.
 - 2) A provider licensed by the Illinois Department of Public Health under the provisions of 77 Ill. Adm. Code 250.2830(b) and (c).
 - 3) Psychiatrists for ancillary diagnostic services.
- b) Providers must be certified for participation by the Department of Human Services Alcoholism--and--Substance--Abuse in accordance with 77 Ill. Adm. Code 2050.
- c) Certified providers shall comply with, and provide all services in accordance with, all provisions of 77 Ill. Adm. Code 2090.
- d) Providers shall enroll for participation in the Medical Assistance

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Program as provided in 89 Ill. Adm. Code 140.11.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 148.350 Definitions Definitions (Repealed)

Words which are defined in 77 Ill. Adm. Code 2090:20 have the same meaning when used in Sections 148.340 through 148.390:

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)

The specific types of subacute services for which payment can be made are:

- a) Outpatient treatment--the provision of face-to-face diagnostic--and--treatment--group--or--family--treatment--on--a--scheduled--or--non--scheduled--basis--to--an--individual--who--in--the--clinical--judgment--of--a--qualified--treatment--professional--is--experiencing--a--problem--with--alcohol--and/or--drugs--for--example--family--social--financial--employment--educational--and/or--legal--these--services--shall--be--delivered--in--accordance--with--an--individual--treatment--plan--recommended--by--a--physician--Services--shall--include--but--not--be--limited--to--assessment--evaluation--diagnosis--and--subsequent--individual--group--or--family--counseling--case--coordination--aftercare--and--follow--up--Outpatient--services--may--be--provided--in--a--recipient's--place--of--residence--or--other--off--site--location--when--required--because--of--illness--disability--or--infirmity--and--documented--in--the--recipient's--treatment--plan
- b) Intensive Outpatient Treatment Services

- 1) The provision of diagnostic--and--treatment--on--a--scheduled--only--basis--to--an--individual--or--group--treatment--on--a--scheduled--only--basis--to--an--individual--who--in--the--clinical--judgment--of--a--qualified--treatment--professional--is--experiencing--a--problem--with--alcohol--and/or--drugs--for--example--family--social--financial--employment--educational--and/or--legal--these--services--shall--be--delivered--in--accordance--with--an--individual's--treatment--plan--recommended--by--a--physician
- 2) Intensive outpatient treatment is a structured program offered--a--minimum--of--four--days--or--evenings--per--week--includes--a--minimum--of--15--hours--of--treatment--services--per--recipient--per--week--and--must--occur--in--a--licensed--subacute--setting--(see 77 Ill. Adm. Code 2050) Treatment services shall include but are not limited to assessment--evaluation--diagnosis--and--subsequent--individual--group--or--family--counseling--education--case--coordination--aftercare--and--follow--up--This programmatic scope is required unless a specific waiver has been granted by the licensing authority.

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- c) Detoxification--the-----provision--of-----immediate-----physiological stabilization--diagnosis--and--short--term--treatment--(for--example--up--to--five--days--on--a--non--scheduled--basis--to--an--individual--who--is--in--the--clinical--judgment--of--the--qualified--treatment--professional--in--accordance--with--77--Ill. Adm. Code--2059)--intoxicated--or--experiencing withdrawal--from--the--ingestion--of--alcohol--or--other--drugs--but--whose physical--and--emotional--condition--does--not--require--the--intensity--of--an acute--care--setting-----Services--are--provided--in--accordance--with--an individual--treatment--plan--recommended--by--a--physician--when--rendered--in a--licensed--subacute--hospital--setting--(see--89--Ill. Adm. Code--2509)--or under--the--direction--of--a--physician--to--individuals--under--age--21--by--a psychiatric--facility--or--an--inpatient--program--in--a--psychiatric facility--either--of--which--is--accredited--by--the--Joint--Commission--on Accreditation--of--Health--Care--Organizations--and--is--also--licensed--as--a subacute--residential--setting--(see--77--Ill. Adm. Code--2058)--Services must--include-----but--are--not--limited--to--assessment--evaluation--diagnosis--determination--of--need--for--more--specialized--medical--care--rest--under--close--observation--individual--counseling--case--coordination and--subsequent--referral--room--and--board--meals--and--staff--supervision d) Ancillary--diagnostic--services--Psychiatric--evaluations--performed--by--a psychiatrist--to--determine--whether--an--individual's--primary--condition--is attributable--to--the--effects--of--an--ingested--substance--or--to--a--diagnosed psychiatric--or--psychological--disorder-----Ancillary--services--may--be provided--in--a--licensed--treatment--facility--(see--77--Ill. Adm. Code--2059) or--in--the--psychiatrist's--office e) Residential--Rehabilitation-----The--provision--of--diagnostic--services--and individual--or--group--treatment--on--a--scheduled--only--residential--basis--in accordance--with--an--individual--treatment--plan--recommended--by--a Physician--in--a--licensed--subacute--hospital--setting--(see--89--Ill. Adm. Code--2060)--or--under--the--direction--of--a--physician--to--individuals--under age--21--by--a--psychiatric--facility--or--an--inpatient--program--in--a psychiatric--facility--either--of--which--is--accredited--by--the--Joint Commission--on--Accreditation--of--Health--Care--Organizations--and--is--also licensed--as--a--subacute--residential--setting--(see--77--Ill. Adm. Code--2059)--This--service--is--designed--to--reduce--or--eliminate--through--a controlled--milieu--an--individual's--intake--of--alcohol--and/or--other substances--Services--must--include--but--are--not--limited--to--assessment evaluation--diagnosis--and--subsequent--individual--group--or--family counseling--educational--case--coordination--aftercare--and--follow-up Residential--rehabilitation--is--a--structured--residential--program--offered seven--days--per--week--and--includes--a--minimum--of--25--hours--of--treatment activities--per--week-----Individuals--experiencing--active psychotic--manifestations--or--other--severe--mental--or--physical--illness which--require--immediate--acute--medical--or--psychiatric--care--should--not be--admitted-----to--residential--rehabilitation-----In--addition--the individual--shall--not--be--intoxicated--or--incapacitated--due--to--the--effects of--alcohol--or--other--drugs--or--in--withdrawal

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(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services

- a) The amount approved for payment for alcoholism and substance abuse treatment is based on the type and amount of services required and actually delivered to a recipient. The amount is determined in accordance with prospective rates developed by the Department of Human Services Alcoholism and Substance Abuse and approved and adopted by the Department of Public Aid (see 77 Ill. Adm. Code 2090.70). The adopted rate shall not exceed the charges to the general public non-recipients.
- b) Rates are generated through the application of formal methodologies specific to each category in accordance with the specifications in 77 Ill. Adm. Code 2090.35, 2090.40 and 2090.70. Rate appeals are allowable pursuant to the specifications in 77 Ill. Adm. Code 2090.80 y--are--cost--based--and--individually--established--for--each--service category--at--each--provider.
- 1) Outpatient--services--shall--be--reimbursed--at--an--all--inclusive--per client--hour--rate--payable--to--the--nearest--quarter--hour--Such services--are--defined--as--face--to--face--counseling--with--a--diagnosed client--No--more--than--three--client--hours--shall--be--reimbursed--for any--recipient--during--a--24--hour--period--No--more--than--two--of--those hours--may--be--reimbursed--for--group--treatment.
- 2) Intensive--outpatient--services--shall--be--reimbursed--at--an--all--inclusive--per--diem--rate--a--client--day--is--defined--as--a--minimum of--four--hours--per--24--hour--period--No--more--than--one--client--day shall--be--reimbursed--for--services--during--any--24--hour--period.
- 3) Residential--rehabilitation--services--shall--be--reimbursed--at--an all--inclusive--per--diem--rate--No--more--than--one--client--day--shall be--reimbursed--for--any--recipient--during--any--24--hour--period.
- 4) Detoxification--services--shall--be--reimbursed--at--an--all--inclusive per--diem--rate--However--admissions--less--than--twelve--hours--in length--shall--have--a--per--episode--rate.
- 5) Ancillary--diagnostic--services--shall--be--reimbursed--on--a--per encounter--basis--to--practitioners--at--the--maximum--established--by--the customary--charge--not--to--exceed--the--maximum--established--by--the Department--in--accordance--with--89--Ill. Adm. Code--149--400.
- 6) Payment--shall--not--be--made--to--a--provider--for--more--than--one--covered substance--alcoholism--or--substance--abuse--treatment--service--per--day except--for--ancillary--services--which--may--be--reimbursed--in--addition to--one--of--the--other--covered--services.
- (Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 148.380 Rate Appeals for Substance Alcoholism and Substance Abuse Treatment Services (Repealed)

- a) Providers may appeal their rates, but must do so within 90 days of the postmark date of the rate notice.
- b) Rate may be appealed pursuant to 77 Ill. Adm. Code 20990.
- c) Appeals shall be submitted in writing to the Illinois Department of Public Aid, Division of Medical Programs.
- d) The Department of Public Aid shall refer the appeal to the Department of Alcoholism and Substance Abuse for analysis of the appeal's basis and substance. Further clarification of the information submitted may be requested of the agency. The Department of Alcoholism and Substance Abuse shall prepare a recommendation for the Department of Public Aid which shall make the final administrative decision based upon the appeals conformity with 77 Ill. Adm. Code 20990.80.
- e) The provider will be notified of the appeal decision in writing within 60 days of the receipt of the written appeal.
- f) Depending upon the result of the decision on the appeal, any change in the reimbursement rate may be retroactive to the beginning of the rate year or to the date of the program change within affected rate year that serves as the basis for the rate appeal.

(Source: Repealed at 24 Ill. Reg. _____, effective _____.)

Section 148.390 Hearings

- a) The Department may initiate administrative proceedings pursuant to 89 Ill. Adm. Code Part 104, Subpart C, to suspend or terminate certification and eligibility to participate in the Illinois Medical Assistance Program where the provider:
 - 1) Has failed to comply with 77 Ill. Adm. Code 2090.40 and/or 2090.46(c)(2)?--2090.46(c)(2)?--or---2090.46(d)(7).
 - 2) Has failed to comply with 77 Ill. Adm. Code 2090.118(b)(2)? and/or
 - 2b) Does not have a valid license for an enrolled treatment service category issued by the appropriate licensing authority?r and/or
 - 3) Any of the grounds for payment recovery or termination set forth in 89 Ill. Adm. Code 140.15 or 140.16 are present.
- b) When a proceeding is initiated against providers of alcoholism or substance abuse services, the Department shall notify the provider of the intended action(s). Notice, service and proof of service shall be in accordance with the "Rules of Practice For Medical Vendor Administrative Proceedings" (89 Ill. Adm. Code 104: Subpart C).
- c) All hearings held pursuant to these rules shall be conducted by an attorney designated by the Director of the Department as a hearing officer and said hearing shall be conducted under and governed by the

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applicable "Rules of Practice For Medical Vendor Administrative Proceedings" promulgated by the Department (89 Ill. Adm. Code 104, Subpart C).

- d) The hearing officer shall prepare a written report of the case which shall contain findings of fact and recommended decisions with regard to the issues of recoupment, certification and continued participation in the Medicaid Program. The Associate Director of the Office of Alcoholism and Substance Abuse (Department of Human Services) BASA shall also make a recommendation that final determination regarding certification which shall be in writing and forwarded to the Director of IDPA. The Director of the Department shall then make a final decision concerning participation in the Medicaid Program based on the findings of fact and all recommendations; the recommended decision and the final certification determination by BASA. A final administrative decision shall be issued in writing and contain findings of fact and the final determinations concerning recoupment, certification and continued participation in the Medicaid Program. A copy of the decision shall be served on each party.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:
140.33 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: Changes are being proposed to Section 140.33 concerning public access to information on Department actions to terminate, suspend or bar vendors from participation in the Medical Assistance Program. The amendments provide for publication of this information on the Inspector General's website and eliminate the current obligation under Section 140.33 to provide paper listings of affected vendors.

Currently, the Department is required to publish a list of every entity that is currently terminated, suspended or barred from participation in the Medical Assistance Program. This sanction list is supplemented with additions and deletions each month and then mailed, upon request, to provider associations and societies and to all other entities that request it. The Office of the Inspector General takes responsibility for maintaining the list and distributing it monthly to provider groups, other State agencies and upon request. Under the proposed amendments, the list will be published on the Inspector General's website rather than mailed as a paper listing.

The primary goal in placing vendor information on the Internet is to improve the ability of medical assistance providers to keep ineligible persons from providing Medicaid services. For instance, when the Department terminates, suspends or bars a pharmacist, he or she is often hired by a hospital or large chain store that is unaware of the Department's action. With easy access to information on the Internet, the Department would expect providers to check the sanction list prior to the hiring of new employees. It is expected that Internet publication of ineligible persons will result in a higher level of provider accountability.

These proposed amendments are not expected to result in any significant budgetary changes.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones, Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
217-524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Associations and societies of vendors in the Medical Assistance Program, including any affiliates, and other entities that request updated listings of vendors who have been terminated, suspended or barred from the Program

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

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13) Regulatory Agenda on which this Rulemaking Was Summarized: January 2000

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-WAIV for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WAIV if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
- 140.20 Submittal of Claims
- 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
- 140.22 Magnetic Tape Billings
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited

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140.27 Assignment of Vendor Payments
 140.28 Record Requirements for Medical Providers
 140.30 Audits
 140.31 Emergency Services Audits
 140.32 Prohibition on Participation, and Special Permission for Participation on Participation, and Special Permission for
 140.33 Publication of List of Terminated, Suspended or Barred Entities
 140.35 False Reporting and Other Fraudulent Activities
 140.40 Prior Approval for Medical Services or Items
 140.41 Prior Approval in Cases of Emergency
 140.42 Limitation on Prior Approval
 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
 140.55 Recipient Eligibility Verification (REV) System
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
 140.72 Voucher Advance Payment and Expedited Payments
 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
 140.80 Hospital Provider Fund
 140.82 Developmentally Disabled Care Provider Fund
 140.84 Long Term Care Provider Fund
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 140.95 Hospital Services Trust Fund
 140.96 General Requirements (Recodified)
 140.97 Special Requirements (Recodified)
 140.98 Covered Hospital Services (Recodified)
 140.99 Hospital Services Not Covered (Recodified)
 140.100 Limitation on Hospital Services (Recodified)
 140.101 Transplants (Recodified)
 140.102 Heart Transplants (Recodified)
 140.103 Liver Transplants (Recodified)
 140.104 Bone Marrow Transplants (Recodified)
 140.110 Disproportionate Share Hospital Adjustments (Recodified)
 140.116 Payment for Inpatient Services for GA (Recodified)
 140.117 Hospital Outpatient and Clinic Services (Recodified)
 140.120 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
 140.203 Limits on Length of Stay by Diagnosis (Recodified)
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
 140.350 Copayments (Recodified)
 140.360 Payment Methodology (Recodified)

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140.361 Non-Participating Hospitals (Recodified)
 140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
 140.400 Payment to Practitioners, Nurses and Laboratories
 140.410 Physicians' Services
 140.411 Covered Services By Physicians
 140.412 Services Not Covered By Physicians
 140.413 Limitation on Physician Services
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
 140.416 Optometric Services and Materials
 140.417 Limitations on Optometric Services
 140.418 Department of Corrections Laboratory
 140.420 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
 140.425 Podiatry Services
 140.426 Limitations on Podiatry Services
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
 140.428 Chiropractic Services

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140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.451	Prospective Drug Review and Patient Counseling
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
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140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
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140.479	Limitations, Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies, prosthetic Devices and Hearing Aids
140.482	Family planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Limitations on Medichuk Services (Repealed)
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
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140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life (Repealed)
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered by Department Payment
140.512	Utilization Control
140.513	Utilization Review Plan (Repealed)
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of license
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
SUBPART E: GROUP CARE	

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140.905 Statewide Rates (Repealed)

140.906 Reconsiderations (Recodified)

140.907 Midnight Census Report (Recodified)

140.908 Times and Staff Levels (Recodified)

140.909 Statewide Rates (Recodified)

140.910 Referrals (Recodified)

140.911 Basic Rehabilitation Aide Training Program (Recodified)

140.912 Interim Nursing Rates (Recodified)

 SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section

140.920 General Description

140.921 Covered Services

140.922 Maternal and Child Health Provider Participation Requirements

140.924 Client Eligibility (Repealed)

140.926 Client Enrollment and Program Components (Repealed)

140.928 Reimbursement

140.930 Payment Authorization for Referrals (Repealed)

140.932

 SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section

140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)

140.942 Definition of Terms (Recodified)

140.944 Notification of Negotiations (Recodified)

140.946 Hospital Participation in ICARE Program Negotiations (Recodified)

140.948 Negotiation Procedures (Recodified)

140.950 Factors Considered in Awarding ICARE Contracts (Recodified)

140.952 Closing an ICARE Area (Recodified)

140.954 Administrative Review (Recodified)

140.956 Payments to Contracting Hospitals (Recodified)

140.958 Admitting and Clinical Privileges (Recodified)

140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)

140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)

140.964 Contract Monitoring (Recodified)

140.966 Transfer of Recipients (Recodified)

140.968 Validity of Contracts (Recodified)

140.970 Termination of ICARE Contracts (Recodified)

140.972 Hospital Services Procurement Advisory Board (Recodified)

TABLE A Medicheck Recommended Screening Procedures (Repealed)

TABLE B Geographic Areas

TABLE C Capital Cost Areas

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TABLE D Schedule of Dental Procedures

TABLE E Time Limits for Processing of Prior Approval Requests

TABLE F Podiatry Service Schedule

TABLE G Travel Distance Standards

TABLE H Areas of Major Life Activity

TABLE I Staff Time and Allocation for Training Programs (Recodified)

TABLE J RSA Grouping (Repealed)

TABLE K Services Qualifying for 10% Add-On (Repealed)

TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)

TABLE M Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, P. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; peremptory amendment at 7 Ill. Reg. 12869, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 99 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 24, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment

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at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 11, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18636, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 140.912 and 140.913, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 and 140-Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147-Table A and 147-Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections

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140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.998 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg.

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18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12915, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13377, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a

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maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2393, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6699, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23

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Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14367, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. _____, effective _____.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.33 Publication of List of Terminated, Suspended or Barred Entities

- a) The Department shall publish a list of every entity that is currently terminated, suspended or barred from participation in the Medical Assistance program. The list shall also include the period of suspension. The list shall be supplemented with additions and deletions each month, if any. The list shall be published on the Office of Inspector General's website.
- b) ~~The Department shall upon request mail the list and supplements without charge to associations and societies of vendors in the Medical Assistance Program including their affiliates and components and to all other entities that request it. Societies and associations of vendors and other entities that wish to receive the list are responsible for providing the Department with a current mailing address.~~
- c) An entity may file a written request, in writing or via e-mail, for a list of any adverse actions against a particular entity that are not currently in effect. The Department shall respond in writing to such a request within ten days after receiving it.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Community Living Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 370
- 3) Section Numbers: Proposed Action:
370-715 Amendments
- 4) Statutory Authority: Community Living Facilities Act [210 ILCS 35]
- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 370 regulate the licensure of community living facilities.

Section 370.715 (Health Care Worker Background Check) is being amended to implement P.A. 91-598 (effective January 1, 2000). A facility will be prohibited from hiring, employing or retaining a person with direct care duties if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as a disqualifying crime under the Health Care Worker Background Check Act, as verified by court records, records from a State agency, or an FBI criminal history record check. The facility is not, however, obligated to conduct background checks in other states in which an employee has resided. The definition of "direct care" is being amended, and guidelines are included to assist facilities in determining which employees provide care. The rules are also being amended to clarify the status of employees during the waiver process.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking may create or expand a State Mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the

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Illinois Register to:

Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217)782-2043
rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Community living facilities

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH

CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 370

COMMUNITY LIVING FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	General Requirements
370.110	Application for License
370.120	Licensee
370.130	Issuance of an Initial License for a New Facility
370.140	Issuance of an Initial License Due to a Change of Ownership
370.150	Issuance of a Renewal License
370.160	Alzheimer's Special Care Disclosure
370.165	Denial or Revocation
370.170	Experimental Program Conflicting With Requirements
370.180	Inspections
370.190	Information to Be Made Available to the Public By the Licensee
370.200	Ownership Disclosure
370.210	Variances
370.220	Alcoholism Treatment Programs In Community Living Facilities
370.230	Definitions
370.240	

SUBPART B: ADMINISTRATION

Section	Administration
370.400	
	SUBPART C: POLICIES

Section	Social and Vocational Training Program Policies
370.510	Admission and Discharge Policies
370.520	Agreement Between Resident and Facility
370.530	General Policies
370.540	Personnel Policies
370.550	

SUBPART D: PERSONNEL

Section	Personnel
370.710	Health Care Worker Background Check
370.715	Personnel Policies
370.720	

SUBPART E: HEALTH MAINTENANCE SERVICES

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Section
370.810 Medical Care Policies
370.820 Communicable Disease Policies
370.830 Behavior Emergencies
370.840 Medication Policies

SUBPART F: PROGRAM SERVICES

Section
370.1010 Program Evaluation
370.1020 Program and Services

SUBPART G: RECORDS

Section
370.1210 General
370.1220 Other Records
370.1230 Confidentiality

SUBPART H: FOOD SERVICE

Section
370.1410 Food Service
370.1420 Adequacy of Diet
370.1430 Therapeutic Diets
370.1440 Scheduling of Meals
370.1450 Food Preparation and Service
370.1460 Food Handling Sanitation
370.1470 Kitchen Equipment, Utensils and Supplies

SUBPART I: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section
370.1610 Maintenance
370.1620 Housekeeping
370.1630 Laundry Services

SUBPART J: FURNISHINGS, EQUIPMENT AND SUPPLIES

Section
370.1810 Furnishings
370.1820 Equipment and Supplies

SUBPART K: WATER SUPPLY AND SEWAGE DISPOSAL

Section
370.2010 Codes
370.2020 Water Supply

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370.2030 Sewage Disposal
370.2040 Plumbing

SUBPART L: DESIGN AND CONSTRUCTION STANDARDS FOR NEW COMMUNITY LIVING FACILITIES

Section
370.2210 Applicability of Standards
370.2220 Codes and Standards
370.2230 Preparation of Drawings and Specifications
370.2240 Site
370.2250 Administration
370.2260 Bedrooms
370.2270 Nurses' Station
370.2280 Bath and Toilet Rooms
370.2290 Living, Dining Room, and Activity Room(s)
370.2300 Kitchen
370.2310 Laundry Room
370.2320 Housekeeping and Storage
370.2330 Building General
370.2340 Exit Facilities and Subdivision of Floor Areas
370.2350 Stairways and Vertical Openings
370.2360 Hazardous Areas
370.2370 Structural
370.2380 Mechanical Systems
370.2390 Plumbing Systems
370.2400 Electrical Systems
370.2410 Fire Alarm and Detection System
370.2420 Emergency Electrical System
370.2430 Fire Protection

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING COMMUNITY LIVING FACILITIES

Section
370.2610 Applicability of Standards
370.2620 Codes and Standards
370.2630 Preparation of Drawings and Specifications
370.2640 Site
370.2650 Administration and Public Areas
370.2660 Bedrooms
370.2670 Nurses' Station
370.2680 Bath and Toilet Rooms
370.2690 Living, Dining Room, and Activity Room(s)
370.2700 Kitchen
370.2710 Laundry Room
370.2720 Housekeeping and Storage
370.2730 Building General

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370.2740 Exit Facilities and Subdivision of Floor Areas
 370.2750 Stairways and Vertical Openings
 370.2760 Hazardous Areas
 370.2770 Structural
 370.2780 Mechanical Systems
 370.2790 Plumbing Systems
 370.2800 Electrical Systems
 370.2810 Fire Alarm and Detection System
 370.2820 Emergency Electrical System
 370.2830 Fire Protection

SUBPART N: RESIDENT'S RIGHTS

Section
 370.3010 General
 370.3020 Medical and Personal Care Program
 370.3030 Restraints
 370.3040 Abuse and Neglect
 370.3050 Communication and Visitation
 370.3060 Resident's Funds
 370.3070 Private Right of Action
 370.3080 Transfer and/or Discharge
 370.3090 Complaint Procedures
 370.3100 Confidentiality
 370.3110 Facility Implementation

APPENDIX A Program Standards

APPENDIX B Sanitizing Solutions

AUTHORITY: Implementing and authorized by the Community Living Facilities Act [210 ILCS 35].

SOURCE: Emergency rules adopted at 6 Ill. Reg. 379, effective January 1, 1982, for a maximum of 150 days; adopted at 6 Ill. Reg. 626, effective May 19, 1982; codified at 8 Ill. Reg. 19476; amended at 8 Ill. Reg. 24706, effective December 7, 1984; emergency amendment at 17 Ill. Reg. 9117, effective June 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19509, effective November 1, 1993; emergency amendments at 20 Ill. Reg. 456, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 9982, effective July 15, 1996; amended at 22 Ill. Reg. 3919, effective February 13, 1998; amended at 23 Ill. Reg. 993, effective January 15, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART D: PERSONNEL

Section 370.715 Health Care Worker Background Check

a) The facility shall not knowingly hire any individual in a position

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with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):

- 1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));
- 2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474));
- 3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7); Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));
- 4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));
- 5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2 and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2 and 11-20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));
- 6) Assault, battery or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));
- 7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));
- 8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));

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- 9) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16); Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));
- 10) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
- 11) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
- 12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));
- 13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));
- 14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388, 389, 393 to 400, 404a to 404c, 438, 492 to 496));
- 15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));
- 16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));
- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));
- 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38,

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- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e and 414g));
 - 23) Armed violence - elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));
 - 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));
 - 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 234, par. 2369));
 - 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18, violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1 and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705.1, 705.2, 707, and 709)); or
 - 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407 and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) (4) and (o) (4) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)
- c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a facility has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)
- d) For the purpose of this Section:
- 1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of

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- employment.*
- 2) *"Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.*
- 3) *"Direct care" means the provision of nursing care or assistance with feeding, meals, dressing, movement, bathing, or other personal needs, or maintenance, or general supervision, and oversight of the physical and mental well-being of an individual who is incapable of managing his or her person. Whether or not a guardian has been appointed for that individual.*
- 4) *"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)*
- e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination the facility shall consider the following:
- 1) The employee's assigned job responsibilities as set forth in the employee's job description;
 - 2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and
 - 3) Whether the employee's responsibilities include physical contact with residents, for example to provide therapy or to draw blood.
- f) *Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (s) ¶(4) of this Section, for a position with duties that involve direct care for residents, the employer must initiate or have initiated on its behalf a Uniform Conviction Information Act (UCIA) criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act) If the applicant is on the Department's Nurse Aide Registry in good standing and has had a UCIA criminal history record check within the last 12 months, the employer need not initiate another check.*
- g) *The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)*
- h) *The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) ¶(4) of this Section.*
- i) *The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:*

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- 1) *That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.*
 - 2) *That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m) ¶(4) of this Section.*
 - 3) *That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) ¶(4) of this Section.*
 - 4) *That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) ¶(4) of this Section.*
 - 5) *That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) ¶(4) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)*
- j) *A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)*
- k) *An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)*
- l) *A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position,*

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or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

(m*) An applicant, employee or employer may request a waiver to subsection (a), or (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

(n†) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (m), (†)(1) and (2) above.

(o‡) The Department may grant a waiver based on mitigating circumstances, which may include:

- 1) The age of the individual at which the crime was committed;
- 2) The circumstances surrounding the crime;
- 3) The length of time since the conviction;
- 4) The applicant's or employee's criminal history since the conviction;
- 5) The applicant's or employee's work history;
- 6) The applicant's or employee's current employment references;
- 7) The applicant's or employee's character references;
- 8) Nurse Aide Registry records; and
- 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)

(p‡) An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the fingerprint-based records check in accordance with subsection (k) of this Section, an individual may not be employed in a direct-care position during the pendency of a waiver request. (Section 40, 40(d) of the Health Care Worker Background Check Act)

(q§) A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver.

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(r¶) (Section 40(f) of the Health Care Worker Background Check Act) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) a signed affidavit from the individual concerning the validity of the report; or
- 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

(s§) This Section shall not apply to:

- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;
- 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

(t†) An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a criminal background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)

(u§) The facility shall send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

(v†) The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall

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retain the results of the UCA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

(u) The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Numbers: 250.435
Proposed Action: Amendment
- 4) Statutory Authority: Hospital Licensing Act (210 ICS 85)
- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 250 regulate the licensure of hospitals in Illinois.

Section 250.435 (Health Care Worker Background Check) is being amended to implement P.A. 91-598 (effective January 1, 2000). A hospital will be prohibited from hiring, employing or retaining a person with direct care duties if the hospital becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as a disqualifying crime under the Health Care Worker Background Check Act, as verified by court records, records from a State agency, or an FBI criminal history record check. The hospital is not, however, obligated to conduct background checks in other states in which an employee has resided. The definition of "direct care" is being amended, and guidelines are included to assist hospitals in determining which employees provide direct care. The rules are also being amended to clarify the status of employees during the waiver process.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
250.720	Amendments	23 Ill. Reg. 12579
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Paul Thompson, Division Legal Services
 Illinois Department of Public Health
 535 West Jefferson, Fifth Floor
 Springfield, Illinois 62761
 217/782-2043
rules@idph.state.il.us

These rules may have an impact on small business. In accordance with Section 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals
- B) Reporting, bookkeeping or other procedures required for compliance: Procedures are explained in the proposed amendments.
- C) Types of professional skills necessary for compliance: Hospital administration, human resources

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

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TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER B: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250
 HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section	Application for and Issuance of Permit to Establish a Hospital
250.110	Application for and Issuance of a License to Operate a Hospital
250.120	Administration by the Department
250.130	Hearings
250.140	Definitions
250.150	Incorporated and Referenced Materials
250.160	

SUBPART B: ADMINISTRATION AND PLANNING

Section	The Governing Board
250.210	Accounting
250.220	Planning
250.230	Admission and Discharge
250.240	Visiting Rules
250.250	Patients' Rights
250.260	Language Assistance Services
250.265	Manuals of Procedure
250.270	Agreement with Designated Organ Procurement Agencies
250.280	

SUBPART C: THE MEDICAL STAFF

Section	Organization
250.310	House Staff Members
250.315	Admission and Supervision of Patients
250.320	Orders for Medications and Treatments
250.330	Availability for Emergencies
250.340	

SUBPART D: PERSONNEL SERVICE

Section	Organization
250.410	Personnel Records
250.420	Duty Assignments
250.430	Health Care Worker Background Check
250.435	Education Programs
250.440	Personnel Health Requirements
250.450	

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250.460 Benefits

SUBPART E: LABORATORY

Section
250.510 Laboratory Services
250.520 Blood and Blood Components
250.525 Designated Blood Donor Program
250.530 Proficiency Survey Program (Repealed)
250.540 Laboratory Personnel (Repealed)
250.550 Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

Section
250.610 General Diagnostic Procedures and Treatments
250.620 Radioactive Isotopes
250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section
250.710 Classification of Emergency Services
250.720 General Requirements
250.725 Notification of Emergency Personnel
250.730 Community or Area-wide Planning
250.740 Disaster and Mass Casualty Program
250.750 Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section
250.810 Applicability of Other Parts of These Requirements
250.820 General
250.830 Classifications of Restorative and Rehabilitation Services
250.840 General Requirements for all Classifications
250.850 Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860 Medical Direction
250.870 Nursing Care
250.880 Additional Allied Health Services

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section
250.910 Nursing Services
250.920 Organizational Plan
250.930 Role in Hospital Planning

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250.940 Job descriptions
250.950 Nursing committees
250.960 Specialized nursing services
250.970 Nursing Care Plans
250.980 Nursing Records and Reports
250.990 Unusual Incidents
250.1000 Meetings
250.1010 Education Programs
250.1020 Licensure
250.1030 Policies and Procedures
250.1040 Patient Care Units
250.1050 Equipment for Bedside Care
250.1060 Drug Services on Patient Unit
250.1070 Care of Patients
250.1075 Use of Restraints
250.1080 Admission Procedures Affecting Care
250.1090 Sterilization and Processing of Supplies
250.1100 Infection Control

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section
250.1210 Surgery
250.1220 Surgery Staff
250.1230 Policies & Procedures
250.1240 Surgical Privileges
250.1250 Surgical Emergency Care
250.1260 Operating Room Register and Records
250.1270 Surgical Patients
250.1280 Equipment
250.1290 Safety
250.1300 Operating Room
250.1305 Visitors in Operating Room
250.1310 Cleaning of Operating Room
250.1320 Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

Section
250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section
250.1510 Medical Records
250.1520 Reports

SUBPART M: FOOD SERVICE

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Section	
250.1610	Dietary Department Administration
250.1620	Facilities
250.1630	Menus and Nutritional Adequacy
250.1640	Diet Orders
250.1650	Frequency of Meals
250.1660	Therapeutic (Modified) Diets
250.1670	Food Preparation and Service
250.1680	Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section	
250.1710	Housekeeping
250.1720	Garbage, Refuse and Solid Waste Handling and Disposal
250.1730	Insect and Rodent Control
250.1740	Laundry Service
250.1750	Solid Linen
250.1760	Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section	
250.1810	Applicability of other Parts of these regulations
250.1820	Maternity and Neonatal Service (Perinatal Service)
250.1830	General Requirements for all Maternity Departments
250.1840	Discharge of Newborn Infants from Hospital
250.1850	Rooming-In Care of Mother and Infant
250.1860	Special Programs
250.1870	Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS--HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section	
250.1910	Maintenance
250.1920	Emergency electric service
250.1930	Water Supply
250.1940	Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1950	Grounds and Buildings Shall be Maintained
250.1960	Sewage, Garbage, Solid Waste Handling and Disposal
250.1970	Plumbing
250.1980	Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

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Section	
250.2010	Definition
250.2020	Requirements
SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE	
250.2110	Service Requirements
250.2120	Personnel Required
250.2130	Facilities for Services
250.2140	Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section	
250.2210	Applicability of other Parts of these Regulations
250.2220	Establishment of a Psychiatric Service
250.2230	The Medical Staff
250.2240	Nursing Service
250.2250	Allied Health Personnel
250.2260	Staff and Personnel Development and Training
250.2270	Admission, Transfer and Discharge Procedures
250.2280	Care of Patients
250.2290	Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
250.2300	Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section	
250.2410	Applicability of these Standards
250.2420	Submission of Plans for New Construction, Alterations or Additions to Existing Facility
250.2430	Preparation of Drawings and Specifications -- Submission Requirements
250.2440	General Hospital Standards
250.2450	Details
250.2460	Finishes
250.2470	Structural
250.2480	Mechanical
250.2490	Plumbing and Other Piping Systems
250.2500	Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section	
250.2610	Applicability of these Standards

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250.2620 Codes and Standards
 250.2630 Existing General Hospital Standards
 250.2640 Details
 250.2650 Finishes
 250.2660 Mechanical
 250.2670 Plumbing and Other Piping Systems
 250.2680 Electrical Requirements

SUBPART V: SPECIAL CARE AND SPECIAL SERVICE UNITS

Section
 250.2710 Special Care and/or Special Service Units
 250.2720 Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section
 250.2810 Applicability of Other Parts of These Requirements
 250.2820 Establishment of an Alcoholism and Intoxication Treatment Service
 250.2830 Classification and Definitions of Service and Programs
 250.2840 General Requirements for all Hospital Alcoholism Program Classifications
 250.2850 The Medical and Professional Staff
 250.2860 Medical Records
 250.2870 Referral
 250.2880 Client Legal and Human Rights

ILLUSTRATION A Seismic Zone Map
 APPENDIX A Codes and Standards (Repealed)

EXHIBIT A Codes (Repealed)
 EXHIBIT B Standards (Repealed)
 EXHIBIT C Addresses of Sources (Repealed)
 TABLE A Measurements Essential for Level I, II, III Hospitals
 TABLE B Sound Transmission Limitations in General Hospitals
 TABLE C Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
 TABLE D General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
 TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air
 TABLE F General Pressure Relationships and Ventilation of Certain Hospital Areas
 TABLE G Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of

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150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 1972; amended at 8 Ill. Reg. 2418, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 9332, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART D: PERSONNEL SERVICE

Section 250.435 Health Care Worker Background Check

a) The hospital shall not knowingly hire any individual in a position with duties involving direct care for patients if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):

- 1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1

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- 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 156b, 414 to 414c, 414e and 414g);
- 23) Armed violence - elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] [formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2]);
- 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] [formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354]);
- 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] [formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368]);
- 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18; violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] [formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, 705.2, 707, and 709]); or
- 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407 and 407.1] [formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1]).
- b) The hospital shall not knowingly employ or retain any individual in a position with duties involving direct care for patients if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee, or employer obtains a waiver pursuant to subsections (m)(4) and (o)(4) of this Section. (Section 25[a] of the Health Care Worker Background Check Act)
- c) A hospital shall not hire, employ, or retain any individual in a position with duties involving direct care of patients if the hospital becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a hospital has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)
- d) For the purpose of this Section:
- 1) "Applicant" means an individual seeking employment with a hospital who has received a bona fide conditional offer of employment.
 - 2) "Conditional offer of employment" means a bona fide offer of employment by a hospital to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections

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- (a)(1) to (27) of this Section.
- 3) "Direct Care" means the provision of nursing care or assistance with feeding, means, dressing, movement, bathing, or other personal needs, or maintenance, or general supervision, and oversight, of the physical and mental well-being of an individual who is incapable of managing his or her person whether or not a guardian has been appointed for that individual.
- 4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)
- e) For purposes of the Health Care Worker Background Check Act, the hospital shall establish a policy defining which employers provide direct care. In making this determination the hospital shall consider the following:
- 1) The employee's assigned job responsibilities as set forth in the employee's job description;
 - 2) Whether the employee is required to or has the opportunity to be alone with patients, with the exception of infrequent or unusual occasions; and
 - 3) Whether the employee's responsibilities include physical contact with patients, for example to provide therapy or to draw blood.
- f) Beginning January 1, 1996, when the hospital makes a conditional offer of employment to an applicant who is not exempt under subsection (a)(1) of this Section, for a position with duties that involve direct care for patients, the employer must initiate or have initiated on its behalf a Uniform Conviction Information Act (UCIA) criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act) If the applicant is on the Department's Nurse Aide Registry in good standing and has had a UCIA criminal history record check within the last 12 months, the employer need not initiate another check.
- g) The hospital shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)
- h) The hospital may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f)(4) of this Section.
- i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:
- 1) That the hospital shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
 - 2) That the applicant or employee has a right to obtain a copy of the criminal records report from the hospital, challenge the accuracy and completeness of the report, and request a waiver in

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- accordance with subsection (m)(4) of this Section.
- 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section that the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section.
 - 4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section.
 - 5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)
- 1) A hospital may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)
- k) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the hospital or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)
- l) A hospital having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The hospital may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)
- m) An applicant, employee or employer may request a waiver to subsection (a), or (b), or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal

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- records report:
- 1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and
 - 2) A certified check, money order or hospital check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.
- l) The Department may accept the results of the fingerprint-based UCIA Criminal Records Check instead of the items required by subsections (m)(4)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)
- o) The Department may grant a waiver based on mitigating circumstances, which may include:
- 1) The age of the individual at which the crime was committed;
 - 2) The circumstances surrounding the crime;
 - 3) The length of time since the conviction;
 - 4) The applicant's or employee's criminal history since the conviction;
 - 5) The applicant's or employee's work history;
 - 6) The applicant's or employee's current employment references;
 - 7) The applicant's or employee's character references;
 - 8) Nurse Aide Registry records; and
 - 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of patients. (Section 40(b) of the Health Care Worker Background Check Act)
- p) An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. An individual may not be employed in a direct care position during the time that the individual is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(b)(d) of the Health Care Worker Background Check Act)
- q) A hospital is not obligated to employ or offer permanent employment if the hospital may retain the individual in a direct care position if the individual presents clear and convincing evidence to the hospital that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the

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individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
- 4) a signed affidavit from the individual concerning the validity of the report; or
- 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

§19† This Section shall not apply to:

- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State; or
- 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for patients. (Section 20 of the Health Care Worker Background Check Act). (Section 20 of the Health Care Worker Background Check Act)

§20† An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)

§21† The hospital shall send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The hospital shall include the individual's Social Security number on the criminal history record check results.

§22† The hospital shall retain on file for a period of 5 years records of criminal records requests for all employees. The hospital shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The records shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

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§23† The hospital shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Home Health Agency Code
- 2) Code Citation: 77 Ill. Adm. Code 245
- 3) Section Numbers:
245.70 Proposed Action:
245.72 Amendment
- 4) Statutory Authority: Home Health Agency Licensing Act (210 ILCS 55)
- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 245 regulate the licensure of home health agencies in Illinois.

Section 245.70 (Home Health Aide Training) is amended to revise training and equivalency requirements for home health aides. Agencies shall not employ individuals as home health aides who have successfully completed a Department-approved training program or met accepted equivalencies.

Section 245.72 (Health Care Worker Background Check) is being amended to implement P.A. 91-598 (effective January 1, 2000). An agency will be prohibited from hiring, employing or retaining a person with direct care duties if the agency becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as a disqualifying crime under the Health Care Worker Background Check Act, as verified by court records, records from a State agency, or an FBI criminal history record check. The agency is not, however, obligated to conduct background checks in other states in which an employee has resided. The definition "direct care" is being amended, and guidelines are included to assist agencies in determining which employees provide direct care. The rules are also being amended to clarify the status of employees during the waiver process.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No

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- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking:
Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Home health agencies

B) Reporting, bookkeeping or other procedures required for compliance: Reporting and record-keeping procedures are set forth in the proposed amendments.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendment begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 245
ILLINOIS HOME HEALTH AGENCY CODE

SUBPART A: GENERAL PROVISIONS

Section

245.10 Purpose
245.20 Definitions
245.25 Incorporated and Referenced Materials

SUBPART B: OPERATIONAL REQUIREMENTS

Section

245.30 Organization and Administration
245.40 Staffing and Staff Responsibilities
245.50 Services
245.60 Annual Financial Statement
245.70 Home Health Aide Training
245.72 Health Care Worker Background Check

SUBPART C: LICENSURE PROCEDURES

Section

245.80 Licensure Required
245.90 License Application
245.100 Provisional License
245.110 Inspections and Investigations
245.120 Violations
245.130 Adverse Licensure Actions
245.140 Penalties and Fines
245.150 Hearings

AUTHORITY: Implementing and authorized by the Home Health Agency Licensing Act [210 ILCS 55].

SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 585, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14

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Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective January 22, 1994; emergency amendments at 20 Ill. Reg. 488, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3273, effective February 15, 1996; amended at 20 Ill. Reg. 10033, effective July 15, 1996; amended at 22 Ill. Reg. 3948, effective February 13, 1998; amended at 22 Ill. Reg. 22050, effective December 10, 1998; amended at 23 Ill. Reg. 1028, effective January 15, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART B: OPERATIONAL REQUIREMENTS

Section 245.70 Home Health Aide Training

a) Each Home Health agency shall ensure that all persons employed as home health aides or under any other title, whose duties are to assist with the personal, nursing or medical care of the patients, and who are not otherwise licensed, certified or registered in accordance with Illinois law to render such care, comply with one of the following conditions within 45 days of initial employment:

- 1) Is approved Provide documentation of registration on the Department's Nurse Aide Registry. "Approved" means that the home health aide has successfully completed the training requirements of the Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395) or has met the equivalency requirements of this Section and does not have a disqualifying criminal background check without a waiver. (See Section 245.7217 or Enroll in a training program that has been approved by the Department under its rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395); and pass the Department approved nursing assistant competency examination. The program course work shall be successfully completed and the competency examination passed by the nursing assistant no later than 120 days after the date of initial employment, unless the training program is conducted by a community college or other educational institution on a term semester or trimester basis or
- 2)

2) Meet equivalencies established in subsection (b) of this Section. b) Equivalency may be established by any one of the following:

- 1) Documentation of successful completion of a training course approved by another state as evidenced by a diploma or certificate.
- 2) Documentation of successful completion of a nursing arts course (e.g., Basics in Nursing, Fundamentals of Nursing, Nursing 101), which included at least 40 hours of supervised clinical experience, in an accredited nurse training program as evidenced by diploma, certificate or other written verification from the school and successful completion of the Department-established

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- 12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95)):
- 13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33)):
- 14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254-1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496)):
- 15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3)):
- 16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286)):
- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2)):
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]):
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88 and 501)):
- 20) Criminal trespasses to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4)):
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238)):
- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 438, 496 and 414g)):
- 23) Armed violence - elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2)):
- 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4])

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- (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354)):
- 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 5/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368)):
- 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18, violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, 705.2, 707 and 709)):
- 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substances Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407 and 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) The agency shall not knowingly employ or retain any individual in a position with duties involving direct care for patients if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m)(4) and (o)(4) of this Section. (Section 25 of the Health Care Worker Background Check Act)
- c) The agency shall not hire, employ, or retain any individual in a position with duties involving direct care of clients, patients, or residents if the agency becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that an agency has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)
- d) For the purpose of this Section:
 - 1) "Applicant" means an individual seeking employment with an agency who has received a bona fide conditional offer of employment.
 - 2) "Conditional offer of employment" means a bona fide offer of employment by an agency to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.
 - 3) "Direct care" means the provision of nursing care or assistance with feeding, meals, dressing, movement, bathing, or other personal needs or maintenance--or--general--supervision--and oversight--of--the--physical--and--mental--well-being--of--an--individual who is incapable of managing his or her person--whether or not--a guardian has been appointed for that individual--
 - 4) "Initiate" means the obtaining of the authorization for a record

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check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act.)

e) For purposes of the Health Care Worker Background Check Act, the agency shall establish a policy defining which employees provide direct care. In making this determination the agency shall consider the following:

- 1) The employee's assigned job responsibilities as set forth in the employee's job description;
 - 2) Whether the employee is required to or has the opportunity to be alone with patients, with the exception of infrequent or unusual occasions;
 - 3) Whether more than 50 percent of the employee's responsibilities include physical contact with patients, for example to provide therapy or to draw blood.
- f) Beginning January 1, 1996, when the agency makes a conditional offer of employment to an applicant who is not exempt under subsection (b)(4) of this Section, for a position with duties that involve direct care for patients, the employer must initiate or have initiated on its behalf a Uniform Conviction Information Act (UCIA) criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act.) If the applicant is on the Department's Nurse Aide Registry in good standing and has had a UCIA criminal history record check within the last 12 months, the employer need not initiate another check.

g) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act.)

h) The agency may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f)(4) of this Section.

i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:

- 1) That the agency shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
- 2) That the applicant or employee has a right to obtain a copy of the criminal records report from the agency, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m)(4) of this Section.
- 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying

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criminal history record based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section.

4) That the applicant, if not hired conditionally, shall not be hired. If the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k)(4) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act.)

j) An agency may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act.)

k) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the agency the designee or the Department commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act.)

l) An agency having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The agency may continue to employ that individual in a direct care position, may reassign that individual to non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act.)

m) An applicant, employee or employer may request a waiver to subsection (a), (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

- 1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) and (which the Department will forward to the Illinois State Police);
- 2) A certified check, money order or agency check made payable to the Department of State Police for the amount of money necessary

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to initiate a fingerprint-based UCIA criminal records check.
 nt) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (ml)(1) and (2) above.

om) The Department may grant a waiver based on mitigating circumstances, which may include:

- 1) The age of the individual at which the crime was committed;
- 2) The circumstances surrounding the crime;
- 3) The length of time since the conviction;
- 4) The applicant's or employee's criminal history since the conviction

5) The applicant's or employee's work history;

6) The applicant's or employee's current employment references;

7) The applicant's or employee's character references;

8) Nurse Aide Registry records; and

9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of patients. (Section 40(b) of the Health Care Worker Background Check Act)

pn) An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. ~~An individual may not be employed in a direct care position during the pendency of a waiver request.~~ (Section 10(d) of the Health Care Worker Background Check Act)

po) An agency is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

pp) An agency may retain the individual in a direct care position if the individual presents clear and convincing evidence to the agency that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during

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which the crime was committed or during the incarceration period stated in the report;

4) a signed affidavit from the individual concerning the validity of the report; or

5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

sq) This Section shall not apply to:

1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;

2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or

3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

tt) An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1996 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)

us) The agency must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The agency shall include the individual's Social Security number on the criminal history record check results.

vt) The agency shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

wu) The agency shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Illinois Veterans' Homes Code2) Code Citation: 77 Ill. Adm. Code 3403) Section Numbers: Proposed Action:

340.1375 Amendments
 340.1376 Amendments
 340.1377 Amendments
 340.1378 New Section
 340.1700 Amendments
 340.1730 New Section

4) Statutory Authority: Nursing Home Care Act (210 ILCS 45)5) A Complete Description of the Subjects and Issues Involved: The rules in Part 340 regulate the licensure of veterans' homes in Illinois.

Sections 340.1375 (Personnel Requirements) and 340.1376 (Registry of Certified Nurse Aides) are being amended to conform the language of the rules to the Nursing Home Care Act and to provide consistency with the rules in Part 300 (Skilled Nursing and Intermediate Care Facilities Code). Requirements for approval on the Nurse Aide Registry are included. Requirements for equivalencies are revised to include completion of a nursing program in a foreign country and individuals who have completed the Direct Support Care Training Program as an employee of the Department of Human Services and, within 120 days after employment, successful completion of the Department-established nursing assistant competency test.

Section 340.1377 (Health Care Worker Background Check) is being amended to implement P.A. 91-598 (effective January 1, 2000). A facility will be prohibited from hiring, employing or retaining a person with direct care duties if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as a disqualifying crime under the Health Care Worker Background Check Act, as verified by court records, records from a State agency or an FBI criminal history record check. The facility is not, however, obligated to conduct background checks in other states in which an employee has resided. The definition of "direct care" is being amended, and guidelines are included to assist facilities in determining which employees provide direct care. The rules are also amended to clarify the status of employees during the waiver process.

Section 340.1378 (Resident Attendants) is being added to implement Public Act 91-461, effective August 6, 1999. This legislation allows facilities to employ resident attendants to assist residents with eating, drinking, and personal hygiene. The amendments include requirements for resident

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attendant training and competency and for assessment of residents to determine which residents can be assisted by resident attendants.

Section 340.1700 (Recreational and Activity Programs) is being substantially revised to enhance activity programs for long-term care residents. Activity personnel shall be provided to meet the needs of the residents; staff time each week shall total not less than 45 minutes multiplied by the number of residents in the facility. Activity personnel working under the direction of the activity director will be required to have a minimum of 6 hours of in-service training per calendar year or employment year, directly related to recreation/activities. Requirements for consultation and education and training for activity directors are included, as well as requirements for a comprehensive assessment of each resident and participation in care planning by activity staff. Examples of specific types of activities are included.

Section 340.1730 (Volunteer Program) is being added to set forth requirements for volunteer programs, including an orientation program.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Paul Thompson
 Division of Legal Services
 Illinois Department of Public Health
 535 West Jefferson, Fifth Floor
 Springfield, Illinois 62761
 217/782-2043

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rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-20 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

1.) Initial Regulatory Feasibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: None

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None

C) Types of Professional Skills Necessary for Compliance: None

1.) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 340

ILLINOIS VETERANS' HOMES CODE

SUBPART A: GENERAL PROVISIONS

Section	
340.1000	Definitions
340.1010	Incorporated and Referenced Materials
340.1110	General Requirements
340.1115	Federal Veterans' Regulations
340.1120	Application for License
340.1130	Criteria for Adverse Licensure Actions
340.1140	Denial of Initial License
340.1150	Revocation or Denial of Renewal of License
340.1160	Inspections, Surveys, Evaluations, and Consultations
340.1170	Presentation of Findings by the Department
340.1190	Overship Disclosure
340.1200	Monitor and Receivership
340.1210	Determination of a Violation
340.1220	Plans of Correction and Reports of Correction
340.1230	Calculation of Penalties
340.1245	Conditions for Assessment of Penalties
340.1250	Reduction or Waiver of Penalties
340.1255	Supported Congregate Living Arrangement Demonstration
340.1260	Waivers

SUBPART B: POLICIES AND FACILITY RECORDS

Section	
340.1300	Facility Policies
340.1310	Admission and Discharge Policies
340.1320	Disaster Preparedness
340.1330	Serious Incidents and Accidents
340.1335	Infection Control
340.1340	Facility Record Requirements
340.1350	Personnel Policies
340.1360	Initial Health Evaluation for Employees
340.1370	Administrator
340.1375	Personnel Requirements
340.1376	Registry of Certified Nursing Assistants Nurse-Aides
340.1377	Health Care Worker Background Check
340.1378	Resident Attendants

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SUBPART C: RESIDENT RIGHTS

Section
 340.1400 Implementation of Resident Rights and Facility Responsibilities
 340.1410 General
 340.1420 Contract Between Resident and Facility
 340.1430 Residents' Advisory Council
 340.1440 Abuse and Neglect
 340.1450 Communication and Visitation
 340.1460 Resident's Funds
 340.1470 Transfer or Discharge
 340.1480 Complaint Procedures
 340.1490 Private Right of Action

SUBPART D: HEALTH SERVICES

Section
 340.1500 Medical Care Policies
 340.1505 Medical, Nursing and Restorative Services
 340.1510 Communicable Disease Policies
 340.1520 Tuberculin Skin Test Procedures
 340.1530 Physician Services
 340.1535 Dental Programs
 340.1540 Life-Sustaining Treatments
 340.1550 Obstetrical and Gynecological Care
 340.1560 Nursing Personnel
 340.1570 Personal Care
 340.1580 Restraints
 340.1590 None emergency Use of Physical Restraints
 340.1600 Emergency Use of Physical Restraints
 340.1610 Unnecessary, Psychotropic, and Antipsychotic Drugs
 340.1620 Medication Administration
 340.1630 Self-Administration of Medication

SUBPART E: MEDICATION ADMINISTRATION SERVICES

Section
 340.1650 Medication Policies and Procedures
 340.1655 Conformance with Physician's Orders
 340.1660 Administration of Medication
 340.1665 Control of Medication
 340.1670 Labeling and Storage of Medication

SUBPART F: RESIDENT LIVING SERVICES

Section
 340.1700 Recreational and Activity Programs
 340.1710 Social Services

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Work Programs
 340.1720
 340.1730 Volunteer Program

Section
 340.1800 Resident Record Requirements
 340.1810 Content of Medical Record
 340.1820 Records Pertaining to Resident's Property
 340.1830 Retention, Transfer, and Inspection of Records
 340.1840 Confidentiality of Resident's Records

SUBPART H: FOOD SERVICE

Section
 340.1900 Food Service Staff
 340.1910 Diet Orders
 340.1920 Meal Planning
 340.1930 Therapeutic Diets (Repealed)
 340.1940 Menus and Food Records
 340.1950 Food Preparation and Service
 340.1960 Kitchen Equipment, Utensils and Supplies

SUBPART I: PHYSICAL PLANT SERVICES, FURNISHINGS, EQUIPMENT AND SUPPLIES

Section
 340.2000 Maintenance
 340.2010 Water Supply, Sewage Disposal and Plumbing
 340.2020 Housekeeping
 340.2030 Laundry Services
 340.2040 Furnishings
 340.2050 Equipment and Supplies
 340.2050 TABLE A Heat Index Table/Apparent Temperature
 340.2050 TABLE B Guidelines for the Use of Various Drugs

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg. 5679, effective April 3, 1995; emergency amendments at 20 Ill. Reg. 496, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996; amended at 22 Ill. Reg. 3959, effective February 13, 1998; amended at 22 Ill. Reg. 7162, effective April 15, 1998; amended at 23 Ill. Reg. 1038, effective January 15, 1999; amended at 23 Ill. Reg. 7931, effective July 15, 1999; amended at 24 Ill. Reg.

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_____, effective _____.

SUPPORT B: POLICIES AND FACILITY RECORDS

Section 340.1375 Personnel Requirements

a) Supervision of Nursing Services

1) The facility shall have a director of nursing service (DONS) who shall be a registered nurse.

A) This person shall have knowledge and training in nursing service administration and restorative and rehabilitative nursing. This person shall also have some knowledge and training in the care of the type of residents for which the facility cares.

B) This person shall be a full-time employee who is on duty a minimum of 36 hours, four days per week.

C) A facility may, with written approval from the Department, have two nurses share the duties of this position if the facility it is unable to obtain a full-time person. Such an arrangement will be approved granted-approval only through written documentation that the facility was unable to obtain the full-time services of a qualified individual to fill this position. Such documentation shall include, but not be limited to: an advertisement that has appeared in a newspaper of general circulation in the area for at least three weeks; the names, addresses and phone numbers of all persons who applied for the position and the reasons why they were not acceptable or would not work full time full-time; and information about the numbers and availability of licensed nurses in the area. The Department will approve only when such documentation indicates that there were no qualified applicants who were willing to accept the job on a full-time basis, and the pool of nurses available in the area cannot be expected to produce, in the near future, a qualified person who is willing to work full time full-time.

D) In facilities of less than 50 beds, this person may also provide direct patient care, and this person's time may be included in meeting staff/resident ratio requirements.

2) Facilities of 100 or more beds shall have a licensed nurse designated as the assistant director of nursing service. This person shall perform the duties of the DONS when the DONS is on vacation or extended sick leave. The assistant may provide direct patient care and be included in the staff to resident ratio calculations when not acting as the DONS.

A) The assistant shall be a full-time employee who is on duty a minimum of 36 hours, four days per week. The assistant may be assigned to work hours any time of the day or night.

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B) The assistant shall assist the DONS in carrying out the responsibilities of the DONS.

3) The DONS shall oversee the nursing services of the facility. This person's duties shall include:

A) Assigning and directing the activities of nursing service personnel.

B) Assuring that resident care plans are developed and maintained.

C) Recommending to the administrator the number and levels of nursing personnel to be employed, participating in their recruitment and selection and recommending termination of employment when necessary.

D) Participating in planning and budgeting for nursing services including purchasing of necessary equipment and supplies.

E) Developing and maintaining nursing service objectives, standards of nursing practice, written policies and procedures, and written job descriptions for each level of nursing personnel.

F) Coordinating health services and nursing services with other resident care services such as medical, pharmaceutical, dietary activities, and any other restorative/rehabilitative services offered.

G) Planning of inservice education, embracing orientation, skill training, and ongoing education for all personnel covering all aspects of resident care and programming. The education program shall include training and practice in activities and restorative/rehabilitative nursing techniques through out-of-facility or in-facility training programs. This person may conduct these programs personally or see to it that they are carried out.

H) Participating in the development and implementation of resident care policies and bringing resident care problems, requiring changes in policy, to the attention of the facility's policy development group.

I) Participating in the screening of prospective residents and their placement in terms of services they need and nursing competencies available.

b) Nursing Personnel

1) A ~~there-shall-be-a~~ licensed or registered nurse shall be on duty and designated as being in charge of nursing services on all shifts when neither the director of nursing service nor assistant director of nursing service is on duty. If registered nurses and licensed practical nurses are on duty on the same shift, this charge nurse shall be the registered nurse.

2) A ~~there-shall-be-at~~ least one registered nurse shall be on duty seven days per week for eight consecutive hours. At ~~there-shall-be-at~~ least one registered nurse or licensed practical nurse shall be on duty on each floor housing residents.

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- 3) The need for licensed nurses on each nursing unit in a nursing facility will be determined on an individual case basis, dependent upon the individual situation. The need for an additional registered or licensed practical nurse to serve as a "house supervisor" will be determined on an individual basis. If such additional staffing is required, the Department will inform the facility in writing of the kind and amount of additional staff time required, and the reason why it is needed.

4) Nursing Assistants

- A) The facility shall assure that each person employed by the facility as a nursing assistant complies with one of the following conditions: **no-later-than-45-days-after-the-date-of-initial-employment:**

- i) Is approved **Provide documentation of--registration on the Department's Nurse Aide Registry. "Approved"** means that the nursing assistant has met the training or equivalency requirements of Section 340.1376 of this Part and does not have a disqualifying criminal background check without a waiver.

- ii) Begins **Enroll in a Basic Nursing Assistant Training Program that has been approved by the Department under its--rules--governing--training--programs--for--nursing assistants--and--aides (see 77 Ill. Adm. Code 395) no later than 45 days after employment. The nursing assistant shall successfully complete the training program within program--shall-be-successfully-completed no-later--than 120 days after the date of initial employment. --unless-that--training--program--is conducted-by-a-community-college-or-other-educational institution-on-a-term-semester-or-trimester-basis. However--a nursing assistant enrolled in a program approved in accordance with 77 Ill. Adm. Code 395.150(a)(2) shall not may be employed no more than 120 days prior to successfully completing the successful-completion-of the program.**
- iii) Submit documentation in accordance with Section 340.1376 of this Part **in-order** to be registered on the Nurse Aide Registry.

- B) Each facility shall **ensure-that each person employed by the facility as a nursing assistant shall meet each of the following requirements:**

- i) Be at least 16 years of age, of temperate habits and good moral character, honest, reliable, and trustworthy. (Section 3-206(a)(1) of the Act)
- ii) Be able to speak and understand the English language or a language understood by a substantial percentage of the facility's residents. (Section 3-206(a)(2) of

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- iii) Provide evidence of prior employment or occupation, if any, and residence for two years prior to present employment as a nursing assistant **as--a--nursing assistant. (Section 3-206(a)(3) of the Act)**
- iv) Have completed at least eight years of grade school or provide proof of equivalent knowledge. (Section 3-206(a)(4) of the Act)

the Act)

- C) The facility shall certify to the Department the name and residence address of each nursing assistant employed by the facility, and that the employee subject to this Section meets all requirements of this Section. Such certification shall be retained by the facility as part of the employee's personnel record. (Section 3-206(d) and (e) of the Act)

- D) A facility shall not employ an individual as a nursing assistant **nurse-aide unless the facility has inquired of the Department as to information in the registry concerning the individual. (Section 3-206.01 of the Act)** The Department shall advise the inquirer if the individual is on the Registry, has findings of abuse, neglect or misappropriation of property in accordance with Sections 3-206.01 and 3-206.02 of the Act, and if the individual has a current background check (see Section 340.1377 of this Part).

- E) Nursing assistants must be able to demonstrate competency in the principles, techniques, and procedures covered by the basic nursing assistant training program curriculum described in the **rules--governing--training--programs--for nursing--assistants--and--aides--77 Ill. Adm. Code 395.**

- c) There shall be at least one person on duty at all times who has been properly trained to handle the medical emergencies listed in Section 340.1300(f) of this Part. This person may also be counted in fulfilling the requirements of other subsections of this Section.

- d) When a facility has only one employee on duty, that employee shall have been certified within the past 12 months in the provision of basic life support by an American Heart Association or American Red Cross certified training program. When there is more than one person on duty in the facility, at least two of the people on duty shall be so certified. A facility employee who is on duty serving in any capacity in the facility may be utilized to meet this requirement.

- e) Direct Care Staffing

- 1) The facility must have adequate staff in numbers, training and supervision to meet all residents' nursing, personal care and psychosocial needs at all times.
- 2) Staffing shall apply to hours of actual on duty time, not hours scheduled to be provided. The Director of Nursing Services time shall not be included to fulfill required hours except as allowed in subsection (a)(1)(D) of this Section. Direct care staff includes licensed nurses, certified nurse aides, social service

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- staff, qualified mental retardation professionals, and activity personnel.
- 3) Each resident shall be provided at least 2.0 direct care staff nurse each day of which at least 20 percent must be licensed nurse time.
- 4) In a facility whose residents participate in regularly scheduled therapeutic programs outside the facility, such as school or sheltered workshops, the minimum hours per day of direct care may be reduced proportionately as long as the facility meets the needs of the residents.
- f) The facility shall provide a Resident Services Director who is assigned responsibility for the coordination and monitoring of the resident's comprehensive care plan. The director of nursing services or an individual on the professional staff of the facility may fill this assignment to assure that residents' comprehensive care plans are individualized, written in terms of short and long-range goals, understandable and utilized; their needs are met through appropriate staff interventions and community resources; and residents are involved, whenever possible, in the preparation of their plan of care.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 340.1376 Registry of Certified Nursing Assistants Nurse-Aides

- a) An individual will be placed on the Nurse Aide Registry when he/she has successfully completed a training program approved in accordance with the Long-Term Care Assistants and Aides Training Program Code (77 Ill. Adm. Code 395) and has met background check information required in Section 340.1377 of this Part, and when there are no findings of abuse, neglect, or misappropriation of property in accordance with Sections 3-206.01 and 3-206.02 of the Act.
- b) An individual will be placed on the Nurse Aide Registry if he/she has met background check information required in Section 340.1377 of this Part and submits documentation supporting one of the following equivalencies:

- 1) Documentation of current registration from another state indicating that the requirements of 42 CFR 483.151 to 483.156 483-354 (October 1, 1997 1994, no later amendments or editions included) have been met and that there are no not documented findings of abuse, neglect, or misappropriation of property.
- 2) Documentation of successful completion of a nursing arts course (e.g., Basics in Nursing, Fundamentals of Nursing, Nursing 101) with at least 40 hours of supervised clinical experience in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and, within 120 days after employment, successful completion of the Department-established nursing assistant competency test.

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- 3) Documentation of successful completion of a United States military training program that includes the content of the Basic Nursing Assistant Training Program (see 77 Ill. Adm. Code 395) and at least 40 hours of supervised clinical experience, as evidenced by a diploma, certification, DD-214, or other written verification and, within 120 days after employment, the written portion of the Department-established nursing assistant competency test.
- 4) Documentation of completion of a nursing program in a foreign country, including the following, and, within 120 days after employment, successful completion of the Department-established nursing assistant competency test:
- A) A copy of the license, diploma, registration or other proof of completion of the program;
 - B) Proof of application to the Department of Professional Regulation for licensure in Illinois;
 - C) A copy of the Social Security card; and
 - D) Visa or proof of citizenship.
- 5) Documentation of completion of the Direct Support Core Training Program as an employee of the Department of Human Services and, within 120 days after employment, successful completion of the Department-established nursing assistant competency test.
- c) An individual shall notify the Nurse Aide Registry of any change of address within 30 days and of any name change within 30 days and shall submit proof of any name change to the Department. (Section 3-206.01 of the Act)

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 340.1377 Health Care Worker Background Check

- a) The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):
- 1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));
 - 2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-3, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364,

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- Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95);
- 13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));
- 14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3) (Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));
- 15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));
- 16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));
- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4 and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));
- 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));
- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));
- 23) Armed violence - elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));
- 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));

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- 364A, 365, 370, 373, 373a, 417, and 474));
- 3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));
- 4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));
- 5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2 and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));
- 6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));
- 7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));
- 8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));
- 9) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16; Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));
- 10) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
- 11) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
- 12) Endangering the life or health of a child (Section 12-21.6 of the

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- 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368)):
- 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18; violation by person under 18 (Sections 5, 5-1, 5-2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5-1, 5-2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, 705.2, 707 and 709)); or
- 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) (4) and (n) (4) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)
- c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of clients, patients, or residents if the health care employer becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsection (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history check. This shall not be construed to mean that a health care employer has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Health Care Worker Background Check Act)
- d) For the purpose of this Section:
- 1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.
 - 2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.
 - 3) "Direct care" means the provision of nursing care or assistance with feeding needs, dressing, movement, bathing, or other personal needs, or maintenance, or general well-being of an individual who is incapable of managing his or her person whether or not a guardian has been appointed for that individual.
 - 4) "Initiate" means the obtaining of the authorization for a record

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- check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)
- e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination the facility shall consider the following:
- 1) The employee's assigned job responsibilities as set forth in the employee's job description.
 - 2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions.
 - 3) Whether more than 50 percent of the employee's responsibilities include physical contact with residents, for example to provide therapy or to draw blood.
- f) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (a) (4) of this Section for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA Criminal History Record Check has not been conducted within the last 12 months, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)
- g) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.
- h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) (4) of this Section.
- i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:
- 1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
 - 2) That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m) (4) of this Section.
 - 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records

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check pursuant to subsection (k) (4) of this Section.
 4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) (4) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) (4) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

1) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

k) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

l) A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reason that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

m) An applicant, employee or employer may request a waiver to subsections (a), (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

- 1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Illinois State Police); and
- 2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

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n) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (m)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

o) The Department may grant a waiver based on mitigating circumstances, which may include:

- 1) The age of the individual at which the crime was committed;
- 2) The circumstances surrounding the crime;
- 3) The length of time since the conviction;
- 4) The applicant's or employee's criminal history since the conviction;
- 5) The applicant's or employee's work history;
- 6) The applicant's or employee's current employment references;
- 7) The applicant's or employee's character references;
- 8) Nurse Aide Registry records; and
- 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)

p) An individual shall not be employed in a direct care position from the time that the employee receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. An individual may not be employed in a direct-care position during the pendency of a waiver request. (Section 40(b)(d) of the Health Care Worker Background Check Act)

q) A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

r) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:

- 1) certified court records;
- 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
- 3) written verification of employment during the time period during

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which the crime was committed or during the incarceration period stated in the report;

- 4) a signed affidavit from the individual concerning the validity of the report; or
- 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

§)† This Section shall not apply to:

- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;
- 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)

†)† An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)

u)† The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.

v)† The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)

w)† The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 340.1378 Resident Attendants

a) As used in this Section, "resident attendant" means an individual who assists residents in a facility with the following activities:

- 1) eating and drinking; and
- 2) personal hygiene limited to washing a resident's hands and face, brushing and combing a resident's hair, oral hygiene, shaving residents with an electric razor, and applying makeup. (Section 3-206.03(a) of the Act)

b) The term "resident attendant" does not include an individual who:

- 1) is a licensed health professional or a registered dietitian;
- 2) volunteers without monetary compensation;
- 3) is a nursing assistant; or
- 4) performs any nursing or nursing-related services for residents of a facility. (Section 3-206.03(b) of the Act)

c) A facility may employ resident attendants to assist the nurse aides with the activities authorized under subsection (a) of this Section. The resident attendants shall not count in the minimum staffing requirements under this Part. (Section 3-206.03(b) of the Act)

d) Each person employed by the facility as a resident attendant shall meet the following requirements:

- 1) Be at least 16 years of age; and
- 2) Be able to speak and understand the English language or a language understood by a substantial percentage of the facility's residents.

e) Resident attendants shall be supervised by and shall report to a nurse.

f) The facility shall develop and implement policies and procedures concerning the duties of resident attendants in accordance with this Section, and shall document such duties in a written job description.

g) As part of the comprehensive assessment each resident shall be evaluated to determine whether the resident may or may not be fed, hydrated or provided personal hygiene by a resident attendant. Such evaluation shall include, but not be limited to, the resident's level of care; the resident's functional status in regard to feeding, hydration, and personal hygiene; and the resident's ability to cooperate and communicate with staff.

h) A facility may not use on a full-time or other paid basis any individual as a resident attendant in the facility unless the individual:

- 1) has completed a Department-approved training and competency evaluation program encompassing the tasks the individual provides; and
- 2) is competent to provide feeding, hydration, and personal hygiene services. (Section 3-206.03(c) of the Act) The individual shall be deemed to be competent if he/she is able to perform hands-on return demonstration of the required skills, as determined by a nurse.

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- 1) The facility shall maintain documentation of completion of the training program and determination of competency for each person employed as a resident attendant.
- 1) A facility-based training and competency evaluation program shall be conducted by a nurse and/or dietitian and shall include one or more of the following units:
 - 1) A feeding unit that is at least five hours in length and that is specific to the needs of the residents, and that includes the anatomy of digestion and swallowing; feeding techniques; developing an awareness of eating limitations; potential feeding problems and complications; resident identification; equipment and materials; resident privacy; handwashing; use of disposable gloves; verbal and nonverbal communication skills; behavioral issues and management techniques; signs of choking; signs and symptoms of aspiration; and Heimlich maneuver;
 - 2) A hydration unit that is at least three hours in length and that includes the anatomy of digestion and swallowing; hydration technique; resident identification; equipment and materials; potential hydration problems and complications; verbal and nonverbal communication skills; behavioral issues and management techniques; use of disposable gloves; signs of choking; signs and symptoms of aspiration; handwashing; and resident privacy;
 - 3) A personal hygiene unit that is at least five hours in length and includes oral hygiene technique, denture care; potential oral hygiene problems and complications; resident identification; verbal and nonverbal communication skills; behavioral issues and management techniques; resident privacy; handwashing; use of disposable gloves; hair combing and brushing; face and handwashing technique; equipment and materials; shaving technique. (Section 3-206.03(d) of the Act)
- k) All training shall also include a unit in safety and resident rights that is at least five hours in length and that includes resident rights, fire safety, use of a fire extinguisher, evacuation procedures; emergency and disaster preparedness; infection control; and use of the call system.
- l) Each resident attendant shall be given instruction by a nurse or dietitian concerning the specific feeding, hydration, and/or personal hygiene care needs of the resident whom he or she will be assigned to assist.
- m) Training programs shall be reviewed and approved by the Department every two years. (Section 3-206.03(d) of the Act)
- n) Training programs shall not be implemented prior to initial Department approval.
- o) Application for initial approval of facility-based and non-facility-based training programs shall be in writing and shall include:
 - 1) An outline containing the methodology, content, and objectives for the training program. The outline shall address the

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- curriculum requirements set forth in subsection (i) of this Section for each unit included in the program;
- 2) A schedule for the training program;
- 3) Resumes describing the education, experience, and qualifications of each program instructor, including a copy of any valid Illinois licenses, as applicable; and
- 4) A copy or description of the tools that will be used to evaluate competency.
- p) The Department will evaluate the initial application and proposed program for conformance to the program requirements contained in this Section. Based on this review, the Department will either:
 - 1) Grant approval of the proposed program for a period of two years;
 - 2) Grant approval of the proposed program contingent on the receipt of additional materials, or revision, needed to remedy any minor deficiencies in the application or proposed program, which would not prevent the program from being implemented, such as deficiencies in the number of hours assigned to cover different areas of content, which can be corrected by submitting a revised schedule or outline; or
 - 3) Deny approval of the proposed program based on major deficiencies in the application or proposed program, which would prevent the program from being implemented, such as deficiencies in the qualifications of instructors or missing areas of content.
- q) Programs shall be resubmitted to the Department for review within 60 days prior to expiration of program approval.
- r) If the Department finds that an approved program does not comply with the requirements of this Section, the Department will notify the facility in writing of non-compliance of the program and the reason for the finding.
- s) If the Department finds that any conditions stated in the written notice of non-compliance issued under subsection (f) of this Section have not been corrected within 30 days after the date of issuance of such notice, the Department will revoke its approval of the program.
- t) Any change in program content or objectives shall be submitted to the Department at least 30 days prior to program delivery. The Department will review the proposed change based on the requirements of this Section and will either approve or disapprove the change. The Department will notify the facility in writing of the approval or disapproval.
- u) A person seeking employment as a resident attendant is subject to the Health Care Worker Background Check Act (Section 3-206.03(f) of the Act) and Section 340.1377 of this Part.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 340.1700 Recreational and Activity Programs

- a) The facility shall provide an ongoing program of recreational and activity services as necessary to meet the interests and physical, mental and psychosocial well-being of each resident, in accordance with the resident's comprehensive assessment needs of the residents. These services shall be coordinated with other services and programs provided the residents in order to make fullest possible use of both community and facility resources and to maximize benefits to the residents.

- b) Activity personnel shall be provided to meet the needs of the residents and the program. Activity staff time each week shall total not less than 45 minutes multiplied by the number of residents in the facility. This time shall be spent in providing activity programming as well as planning and directing the program. The time spent in the performance of other duties not related to the activity program shall not be counted as part of the required activity staff time where shall be a specific planned program of group and individual activities designed to encourage habitation or restoration to self-care and maintenance of normal activities that is geared to the individual resident's needs. Activities shall be available daily and for a reasonable amount of time taking into account individuals' past interests and the development of new interests. Residents shall be given an opportunity to contribute to planning, preparing, conducting, cleaning up, and critiquing of the program.

- 1) In a facility whose residents participate in regularly scheduled therapeutic programs outside the facility, such as school, employment or sheltered workshop, the minimum hours per week of activity staff time may be reduced. The reduction shall be calculated by multiplying the number of residents in the facility who participate in such programs by the percentage of the day that these residents spend in such programs.

- 2) Activity personnel working under the direction of the activity director shall have a minimum of 10 hours of in-service training per calendar or employment year, directly related to recreation/activities. In-service training may be provided by qualified facility staff and/or consultants, or may be obtained from college or university courses, seminars and/or workshops, educational offerings through professional organizations, similar educational offerings or any combination thereof.

- c) There shall be written permission, with any contraindications stated, given by the resident's physician for the resident to participate in the activity program. Standing orders will be acceptable with individual contraindications noted.

- d) Activity program supplies and equipment shall be provided in sufficient quantity and variety to carry out the activity program objectives and to maintain an ongoing program to meet the varied interests and needs of the residents. These shall include but are

not limited to: games, craft supplies, current magazines, books, radio, television, and record or tape players, a piano or organ is recommended as an important adjunct to the activity program equipment.

- c) Activity Director and Consultant
1) A there shall be a trained staff person shall be designated as activity director and shall be responsible for planning and directing the activities program. This person shall be regularly scheduled to be on duty in the facility at least four days per week on duty for a sufficient amount of time to provide a program that meets the residents' needs and interests. Additional activity personnel shall be provided as necessary to meet the needs of the residents and the program.

- 2) If the activity director this person is not a Certified Therapeutic Recreation Specialist (CTRS), Occupational Therapist Registered and Licensed (OTR/L), Activity Consultant Certified Registered and Licensed (CWR/L), Activity Consultant Certified (ACC), Certified Activity Consultant (CAC), or a Licensed Clinical Social Worker (LCSW) who has Registered Occupational Therapy, a therapeutic Recreation Specialist, or a Certified Social Worker with specialized course work coursework in social group work, the facility shall have a written agreement with a person from one of those disciplines to provide consultation to the activity director. Activity Director at least monthly, in order to ensure make sure that the activity programming meets the needs of the residents of the facility.

- 3) Any person designated as activity director hired after October 1, 2000, shall have a high school diploma or equivalent.

- 4) Except for individuals listed in subsection (c)(2) of this Section, any person hired as an activity director shall have taken a 36-hour basic orientation course or shall register to take a 36-hour basic orientation course within 90 days after employment and shall complete the course within 160 days after employment. This course shall be recognized by an accredited college or university or a nationally recognized continuing education sponsor following the International Council of Accreditation of Continuing Education Units and include at least the following: resident rights; activity care planning for quality of life, human wellness and self-esteem; etiology and symptomatology of persons who are aged, developmentally disabled or mentally ill; therapeutic approaches; philosophy and design of activity programs; activity program resources; program evaluation; practitioner behavior and ethics; resident assessment and supportive documentation; standards and regulations concerning activity programs; management and administration. Individuals who have taken a 42-hour basic activity course or a 90-hour basic education course sponsored by the Illinois Activity Professionals Association or the National Certification Council of Activity Professionals shall be considered to have met this requirement.

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- 5) The activity director shall have a minimum of ten hours of continuing education per year pertaining to activities programming.
- 6) Consultation shall be required only quarterly when the activity director meets or exceeds the following criteria:
- High school diploma or equivalent, five years of full-time or 10,000 hours of part-time experience in activities, three years of experience as an activity director, and completion of a basic orientation course of at least 36 hours; or
 - A two-year associate's degree, three years of full-time or 6,000 hours of part-time experience in activities, three years of experience as an activity director, and completion of a basic orientation course of at least 36 hours; or
 - A four-year degree, one year full-time or 2,000 hours of part-time experience in activities, one year of experience as an activity director, and completion of a basic orientation course of at least 36 hours.
- d) Written permission, with any contraindications stated, shall be given by the resident's physician for the resident to participate in the activity program. Standing Orders will be acceptable with individual contraindications noted.
- e) Activity program staff shall participate in the comprehensive assessment of each resident, which shall include the following:
- Background information, including education level, cultural/social issues, and spiritual needs.
 - Current functional status, including communication status, physical functioning, cognitive abilities, and behavioral issues; and
 - Leisure functioning, including attitude toward leisure, awareness of leisure resources, knowledge of activity skills, and social interaction skills and activity interests, both current and past.
- f) The activity staff shall participate in the development of an individualized plan of care addressing needs and interests of the residents, including activity/recreational goals and/or interventions.
- g) The facility shall provide a specific, planned program of individual (including self-initiated) and group activities that are aimed at improving, maintaining, or minimizing decline in the resident's functional status, and at promoting well-being. The program shall be designed in accordance with the individual resident's needs, based on past and present lifestyle, cultural/ethnic background, interests, capabilities, and tolerance. Activities shall be daily and shall reflect the schedules, choices, and rights of the residents (e.g., morning, afternoon, evenings and weekends). The residents shall be given opportunities to contribute to planning, preparing, conducting, concluding and evaluating the activity program.
- 9) The activity program should include at a minimum the following program areas:
- Recreational activities (examples: games, both quiet and active)

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- Parties, picnics, outside entertainment, arts and crafts (applicable for the needs and interests of the residents);
 - Religious activities (examples: Bible study or discussion, Bible quizzes and games, hymn singing, these are in addition to routine religious services);
 - Service activities for community or facility (examples: assist with community fund drives, projects for community or facility helping to feed others);
 - Intellectual and educational activities (examples: classes in writing, arithmetic, grooming, and social graces, cooking or food preparation, planned group discussion, quizzes, and word games, newsletters);
 - Community activities (examples: residents' participation in community activities such as plays, clubs, eating out, church events, band concerts, and tours);
- h) Documentation of resident's response to programs shall be part of the resident's record.
- i) The activity program shall be multifaceted and shall reflect each individual resident's needs and be adapted to the resident's capabilities. The activity program philosophy shall encompass programs that provide stimulation or solace, promote physical, cognitive and/or emotional health, enhance, to the extent practicable, each resident's physical and mental status; and promote each resident's self-respect by providing, for example, activities that support self-expression and choice. Specific types of activities may include:
- Physical activity (e.g., exercise, fitness, adapted sports);
 - Cognitive stimulation/intellectual/educational activity (e.g., discussion groups, reminiscence, guest speakers, films, trivia, quizzes, table games, puzzles, writing, spelling, newsletters);
 - Spiritual/religious activity (e.g., religious services, spiritual study groups, visits from spiritual support groups);
 - Service activity (e.g., volunteer work for the facility, other individuals and/or the community);
 - Sensory stimulation (e.g., tactile, olfactory, auditory, visual and gustatory);
 - Community involvement (e.g., community groups coming into the facility for intergenerational programs, special entertainment and volunteer visits, excursions outside the facility to museums, sporting events, entertainment, parks);
 - Expressive and creative arts/crafts (adapted to the resident's capabilities), music, movement/dance, horticulture, pet-facilitated therapy, drama, literary programs, art, cooking;
 - Family involvement (e.g., correspondence, family parties, holiday celebrations, family volunteers); and
 - Social activity (e.g., parties and seasonal activities).
- j) If residents participate in regularly scheduled therapeutic programs

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outside the facility (e.g., school, employment, or sheltered workshop), the residents' needs for activities shall be met while they are in the facility.

- 1) Residents' participation in and response to the activity program shall be documented at least quarterly and included in the clinical record. The facility shall maintain current records of resident participation in the activity program.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 340.1730 Volunteer Program

- a) If the facility has a volunteer or auxiliary program, a facility staff person shall direct the program. Community groups such as Boy and Girl Scouts, church groups, and civic organizations that may occasionally present programs, activities, or entertainment in the facility shall not be considered volunteers for the purposes of this Section.

- b) Volunteers shall complete a standard, comprehensive orientation program in accordance with their facility responsibilities and with the facility's policies and procedures governing the volunteer program. The orientation shall include, but not be limited to:

- 1) Residents' rights;
 - 2) Confidentiality;
 - 3) Disaster preparedness (i.e., fire, tornado);
 - 4) Emergency response procedures;
 - 5) Safety procedures/precautions;
 - 6) Infection control; and
 - 7) Body mechanics.
- c) Volunteers shall respect all aspects of confidentiality.
- d) Volunteers shall be informed of and shall implement medical and physical precautions related to the residents with whom they work.
- e) Volunteers shall not take the place of qualified staff (e.g., activity professionals, nursing assistants, or case workers).

(Source: Added at 24 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code

- 2) Code Citation: 77 Ill. Adm. Code 892

Section Numbers:	Proposed Action:
892.10	New Section
892.20	New Section
892.30	New Section
892.40	New Section
892.50	New Section
892.60	New Section
892.70	New Section
892.80	New Section

- 4) Statutory Authority: Illinois Plumbing License Law [225 ILCS 320]

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will implement a recent change to the Illinois Plumbing License Law, Public Act 91-678 (HB 539), which was signed into law on January 26, 2000, requires persons who install lawn sprinkler systems to register with the Department as irrigation contractors and to register their employees who install or supervise the installation of lawn sprinkler systems. A registered irrigation contractor is required to employ or contract with a specified number of licensed plumbers, depending on the number of registered irrigation employees working for the contractor. In addition, all lawn sprinkler systems that are installed in the State after January 26, 2000 must be registered with the Department by the irrigation contractor or licensed plumber responsible for the installation. The emergency rules specify procedures for reporting changes in registered irrigation employees; inspection, testing and registration requirements for lawn sprinkler systems; provisions for temporary waiver of the requirement for employment or contract with a licensed plumber; civil penalties for irrigation contractors; and annual registration fees for irrigation contractors. In addition, the rules specify the forms that irrigation contractors should obtain from the Department to complete the registration process.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes

- 7) Does this Rulemaking Contain an Automatic Repeal Date? No

- 8) Does this Rulemaking Contain any Incorporations by Reference? No

- 9) Are there any Other Proposed Amendments Pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any state mandates on units of local government.

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- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217)782-2043
e-mail: rules@idph.state.il.us

These rules may have an impact on small businesses. Small businesses commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected: Lawn irrigation contractors and licensed plumbers.

- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Registration application procedures.

- C) Types of Professional Skills Necessary for Compliance: None

- 13) Date of regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the legislation requiring irrigation contractor registration took effect after the regulatory agenda had been filed.

The full text of the proposed rules is identical to emergency rules published in this issue of the *Illinois Register* on page 286

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Postsurgical Recovery Care Center Demonstration Program Code
- 2) Code Citation: 77 Ill. Adm. Code 210
- 3) Section Numbers: 210.2250 Proposed Action: New Section
- 4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3] and Health Care Worker Background Check Act [225 ILCS 46]
- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 210 prescribe requirements for postsurgical recovery care centers under the Alternative Health Care Delivery Act [210 ILCS 3].
- Public Act 91-598 (effective January 1, 2000) amended the Health Care Worker Background Check Act [225 ILCS 46] to include "locations licensed under the Alternative Health Care Delivery Act" in the definition of "health care employer." The Health Care Worker Background Check Act requires non-licensed direct care workers to have an Illinois State Police criminal history records check as a condition of employment by a health care employer.

A new Section implementing health care worker background check requirements is being added to the rules. Procedures for initiating background checks are set forth. The amendments list crimes for which a conviction will disqualify an individual from employment. Procedures for obtaining a waiver from the Department, which will allow the individual to work, are included. Guidelines for determining which employees provide "direct care" are included. Notification and record-keeping procedures are specified. Exceptions to the background check requirements are stated. In addition, the amendments include provisions governing individuals who have convictions in other states; individuals who contest the results of the non-fingerprint-based records check; and employees who have actual knowledge of an employee's convictions subsequent to completion of the non-fingerprint check.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Mr. Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
rules@ph.state.il.us

These rules may have an impact on small business. In accordance with Section 1-75 and 5-30 of the Illinois Administrative Procedures Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedures Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Postsurgical recovery care centers
- B) Reporting, bookkeeping or other procedures required for compliance: Record-keeping procedures are set forth in the proposed amendments.
- C) Types of professional skills necessary for compliance: Administrative, human resources
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 6: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 210
POSTSURGICAL RECOVERY CARE CENTER DEMONSTRATION PROGRAM CODE

Section	Definitions
210.1000	Referenced Materials
210.1050	Demonstration Program Elements
210.1100	Application for and Issuance of a License to Operate a Postsurgical Recovery Care Center Model
210.1200	Obligations and Privileges of Postsurgical Recovery Care Center Models
210.1300	Inspections and Investigations
210.1400	Notice of Violation and Plan of Correction
210.1500	Adverse Licensure Action
210.1600	Admission Practices
210.1700	Approval of Protocols for the Admission of Postsurgical Patients
210.1800	Standards of Professional Practice
210.1900	Length of Stay
210.2000	Patient's Rights
210.2100	Personnel
210.2200	Health Care Worker Background Check
210.2250	Patient Care
210.2300	Infection Control
210.2400	Laboratory, Pharmacy and Radiological Services
210.2500	Records and Reports
210.2600	Transfer Agreement
210.2700	Food Service
210.2800	Physical Plant
210.2900	Quality Assessment and Improvement
210.3000	

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act (210 ILCS 31).

SOURCE: Adopted at 18 Ill. Reg. 15824, effective October 15, 1994; amended at 23 Ill. Reg. 12456, effective October 15, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 210.2250 Health Care Worker Background Check

- a) The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]):

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- 1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2.1);
- 2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364B, 365, 370, 373, 373A, 417, and 474);
- 3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7); Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386);
- 4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4); Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4);
- 5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9, 11-19.2, and 11-20.1]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1); Ill. Rev. Stat. 1961, ch. 38, par. 11-20; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104);
- 6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7); (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1985, ch. 38, par. 12-4.5, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1961, ch. 38, par. 55, 56, and 56A to 60B);
- 7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4]) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4);
- 8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11]) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11);
- 9) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16);

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- and 12-16; Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491);
- 10) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19);
- 11) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21);
- 12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6]) (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95);
- 13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33);
- 14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262A, 273, 290, 291, 301A, 354, 387 to 388B, 389, 393 to 400, 404A to 404C, 438, 492 to 496);
- 15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3]) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3);
- 16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3]) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286);
- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2);
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501);
- 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4]) (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4);
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1]) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1); Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 239);
- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5]);

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- 24-1.5) (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2); Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g)):
- 23) Armed violence - elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2)):
- 24) Those provided in Section 4 of the Writings to Children Act (Section 4 of the Writings to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354)):
- 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368)):
- 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18, violation by person under 18 (Sections 5-5.1, 5-2.7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5-2.7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, 705.2, 707, and 709)):
- 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)):
- b) The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) and (o) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)
- c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section, as verified by court records, records from a state agency, or an FBI criminal history record check. This shall not be construed to mean that a facility has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Act)
- d) For the purpose of this Section:
- 1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment
 - 2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections

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- (a)(1) to (27) of this Section.
- 3) "Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.
- 4) "Facility" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)
- e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination the facility shall consider the following:
- 1) The employee's assigned job responsibilities as set forth in the employee's job description;
 - 2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and
 - 3) Whether the employee's regular responsibilities include physical contact with residents, for example to provide therapy or to draw blood.
- f) Beginning January 1, 1996, when the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (a) of this Section, for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)
- g) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)
- h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.
- i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:
- 1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
 - 2) That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m) of this Section.
 - 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that

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the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.

4) *That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.*

5) *That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)*

1) *A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)*

k) *An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)*

l) *A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)*

m) *An applicant, employee or employer may request a waiver to subsection (a), (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:*

- 1) *A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Department of State*

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Police), and

- 2) *A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.*

n) *The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (m)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)*

o) *The Department may grant a waiver based on mitigating circumstances, which may include:*

- 1) *The age of the individual at which the crime was committed;*
- 2) *The circumstances surrounding the crime;*
- 3) *The length of time since the conviction;*
- 4) *The applicant's or employee's criminal history since the conviction;*
- 5) *The applicant's or employee's work history;*
- 6) *The applicant's or employee's current employment references;*
- 7) *The applicant's or employee's character references;*
- 8) *Nurse Aide Registry records; and*
- 9) *Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)*

p) *An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)*

q) *A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)*

r) *A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:*

- 1) *certified court records;*
- 2) *written verification from the State's Attorney's office that*

- prosecuted the conviction at issue.
- 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
 - 4) a signed affidavit from the individual concerning the validity of the report; or
 - 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.
- s) This Section shall not apply to:
- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;
 - 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
 - 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)
- t) An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)
- u) The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.
- v) The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 30 of the Health Care Worker Background Check Act)
- w) The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

(Source: Added at 24 Ill. Reg. _____, effective _____)

- 1) Heading of the Part: Public Area Sanitary Practice Code
- 2) Code Citation: 77 Ill. Adm. Code 895
- 3) Section Numbers: 895.20
Amendment
895.50
Amendment
895.60
Add
- 4) Statutory Authority: Implementing and authorized by Section 9 of the Illinois Groundwater Protection Act [415 ILCS 55/9] and Section 2 of the Department of Public Health Act [20 ILCS 2305/2].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking specifies water quality standards for semi-private water supplies and currently references the Department's rules applicable to non-community public water supplies (Drinking Water Systems Code [77 Ill. Adm. Code 900]). To clarify what is required of semi-private water supplies, the standards are being included in these rules, instead of simply referencing another code, and are being updated for consistency with those standards adopted by the Illinois Environmental Protection Agency. A new Section is proposed to specify procedures for required public notification when a supply is out of compliance with maximum contaminant level standards. The rulemaking also specifies that public restroom sanitation requirements apply to restrooms that are required for employees, in addition to those restrooms that are made accessible to the public.
- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporation by Reference? No
- 9) Are there any Other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate on units of local government.
- 11) Time, Place and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing, within 45 days after this issue of the Illinois Register, to:

Paul Thompson, Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

(217)782-2043
e-mail: rules@dph.state.il.us

12) Initial Regulatory Flexibility Analysis

- A) Type of Small Businesses Affected: This rulemaking will affect any business that is served by a semi-private water supply or that is required to provide restrooms for employee or public use.
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: The proposed amendments add additional information to currently required reporting.
- C) Types of Professional Skills Necessary for Compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: it was not yet available for publication.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 1: WATER AND SEWAGE

PART 895
PUBLIC AREA SANITARY PRACTICE CODE

Section	
895.10	Definitions
895.20	Water Supply
895.30	Sewage Disposal
895.40	Plumbing
895.50	Restrooms
895.60	Public Notification

AUTHORITY: Implementing and authorized by Section 9 of the Illinois Groundwater Protection Act [415 ILCS 55/9] and Section 2 of the Department of Public Health Act [20 ILCS 2305/2].

SOURCE: Filed July 18, 1974, effective August 1, 1974; old rules repealed and new rules adopted and codified at 8 Ill. Reg. 3334, effective March 2, 1984; amended at 15 Ill. Reg. 18003, effective January 1, 1992; amended at 24 Ill. Reg. _____, effective _____.

Section 895.20 Water Supply

- a) Source. A supply of water in compliance with this Section shall be provided to any residential dwelling subject to this Part. The source of water serving a semi-private water supply, including water supplied to employees, or the source of any water supply, when made accessible to the public for drinking, cooking or washing purposes, shall be obtained from one of the following:

- 1) a public water supply;
- 2) a water well which is located and constructed in accordance with the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925);
- 3) a surface water supply constructed in accordance with the Surface Source Water Treatment Code (77 Ill. Adm. Code 930) or **and** in compliance with "Ten States Standards" (1982 Edition - Health Education Service, P.O. Box 7283, Albany, New York, 12224) for potable water;
- 4) a hauled water supply utilizing a public water supply as the source. All water must be hauled in a tank protected against contamination and used only for this purpose. In an emergency, equipment used for handling other potable materials, such as milk and syrup, may be used after cleaning and disinfection with a solution of not less than one hundred parts per million of free

DEPARTMENT OF PUBLIC HEALTH
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chlorine. A watertight holding tank protected against possible entry of contamination is required and if any portion is below ground, location with respect to sources of contamination must be the same as for a well source. Required distances from sources of contamination to a well are found in Section 920.50 of the Illinois Water Well Construction Code (77 Ill. Adm. Code 920). Transfer of the water from the hauling tank must be in a manner which will not result in contamination.

- b) Maximum Contaminant Levels. Any water supply, excluding public water supplies, when the water will be made accessible to the public, including potable water supplied to employees, shall meet the nitrate, turbidity, and bacteriological requirements contained in subsections (b)(1), (2), and (3). Sections 998.59--998.69--and-998.70--of-the Drinking-Water-Systems-Code-(77-III-Adm.-Code-988) for non-community water systems--in addition, any semi-private water supply serving a resident population shall meet the requirements for inorganic chemicals, synthetic organic chemicals, and volatile organic chemicals contained in subsections (b)(5), (6), and (7), respectively, as well as the overall requirements of subsections (b)(1), (2), and (3).

2) Nitrates/Nitrites.

- A) The maximum contaminant level for nitrate shall not exceed 10 milligrams per liter as nitrogen. Nitrate levels not to exceed 20 milligrams per liter as nitrogen may be allowed if the supplier of water demonstrates that:
- the water will not be available to children under 6 months of age; and
 - there will be continuous public notification stating nitrate levels exceed 10 milligrams per liter as nitrogen and describing the potential effects of the contaminant exposure on public health.

- B) The maximum contaminant level for nitrite shall not exceed 1 milligram per liter as nitrogen.

- 3) Turbidity. The maximum contaminant level in a water system that uses surface water in whole or in part, measured at a representative entry point to the distribution system, shall not exceed one turbidity unit, except that turbidity values greater than 1 or less than or equal to 5 turbidity units may be allowed if the supplier of water can demonstrate to the Department and the Department agrees in writing that the higher turbidity does not do any of the following:

- Interfere with disinfection.
- Prevent maintenance of an effective disinfectant residual

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- Interfere with the distribution system.
- Bacteriological. Any water supply that has 2 consecutive water samples positive for coliform bacteria, or has any water sample that is E. coli positive, is in violation of the coliform maximum contaminant level.

- 5) Inorganic Chemicals. The maximum contaminant levels for the following inorganic chemicals shall not be exceeded:

Chemical	Maximum Contaminant Level
Asbestos	7 million fibers/liter
Barium	2 mg/L
Cadmium	0.005 mg/L
Chromium	0.1 mg/L
Mercury	0.002 mg/L
Selenium	0.05 mg/L
Fluoride	4 mg/L
Lead	0.015 mg/L
Copper	1.3 mg/L
Antimony	0.006 mg/L
Beryllium	0.004 mg/L
Cyanide	0.2 mg/L
Nickel	0.1 mg/L
Thallium	0.002 mg/L

- 6) Synthetic Organic Chemicals. The maximum contaminant levels for the following synthetic organic chemicals shall not be exceeded:

Chemical	Maximum Contaminant Level
Alachlor	0.002 mg/L
Atrazine	0.002 mg/L
Carbofuran	0.04 mg/L
Chlordane	0.002 mg/L
1,2-Dibromo-3-Chloropropane (DBCP 2,4-4-D)	0.075 mg/L
Heptachlor	0.0004 mg/L
Heptachlor epoxide	0.002 mg/L
Lindane	0.0002 mg/L
Methoxychlor	0.04 mg/L
Polychlorinated biphenyls (PCBs)	0.0005 mg/L
Pentachlorophenol	0.001 mg/L
Toxaphene	0.002 mg/L
2,4,5-TP (Silvex)	0.05 mg/L
Diquat	0.02 mg/L
Endothall	0.1 mg/L

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Glyphosate	0.7 mg/L
Oxamyl (Vydate)	0.2 mg/L
Picloram	0.004 mg/L
Slimazine	0.02 mg/L

7) Volatile Organic Chemicals. The maximum contaminant levels for the following volatile organic chemicals shall not be exceeded.

Chemical	Maximum Contaminant Level
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Benzene	0.005 mg/L
Carbon tetrachloride	0.005 mg/L
1,2-Dichloroethane	0.005 mg/L
Trichloroethylene	0.005 mg/L
para-Dichlorobenzene	0.075 mg/L
1,1-Dichloroethylene	0.2 mg/L
1,1,1-Trichloroethane	0.2 mg/L
Vinyl chloride	0.002 mg/L
cis-1,2-Dichloroethylene	0.07 mg/L
1,2-Dichloropropane	0.005 mg/L
Ethylbenzene	0.7 mg/L
Monochlorobenzene	0.1 mg/L
o-Dichlorobenzene	0.6 mg/L
Styrene	0.1 mg/L
Tetrachloroethylene	0.005 mg/L
Toluene	1 mg/L
trans-1,2-Dichloroethylene	0.1 mg/L
Xylene	10 mg/L
Dichloromethane	0.005 mg/L
1,2,4-Trichlorobenzene	0.07 mg/L
1,1,2-Trichloroethane	0.005 mg/L

- 8) Maximum Contaminant Level Exceeded. At any time a maximum contaminant level is found to have been exceeded in any water supply when the water will be made accessible to the public for human consumption, excluding a public water system, the owner of the supply shall notify the local health department or the Illinois Department of Public Health for a determination regarding any required corrective action. It shall be the responsibility of the water supply owner to assure that any required analyses are performed by laboratories approved for these analyses by the Department or the Illinois Environmental Protection Agency and the results are submitted to the Department or the local health department. A list of approved laboratories will be provided by the Department upon request.
- c) Drinking Fountains. Drinking fountains must meet the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890).

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 895.50 Restrooms

Where restrooms are made accessible to the public or required for employees, they shall meet the following requirements:

- Restrooms shall be accessible, completely enclosed, and shall have tight fitting doors. If vestibules are provided, they shall be kept in a clean and sanitary condition and in good repair. In determining whether a restroom is in a clean and sanitary condition and in good repair, the Department shall consider, but is not limited to, results of physical inspections, citizen complaints, and obvious rot and/or deterioration.
 - When toilet facilities and lavatories are required by the Food Service Sanitation Code (77 Ill. Adm. Code 750), they shall be installed and provided in accordance with this such Code.
 - Floors shall be constructed of impervious, easily cleanable material.
 - Restrooms, including the toilet room and fixtures, shall be kept in a clean and sanitary condition and in good repair. All restrooms shall be ventilated.
 - A supply of toilet tissue shall be provided at each toilet at all times.
 - Cleanable refuse receptacles shall be provided and kept covered. A separate covered receptacle shall be provided in the toilet rooms for women for disposal of sanitary napkins. Receptacles shall be emptied at least once a day, and more frequently when necessary to prevent accumulation of refuse on the floor.
 - Lavatories shall be provided and located within or immediately adjacent to all toilet rooms or vestibules. All lavatories shall be provided with hot and cold running water that which can be tempered by means of a valve or combination faucet.
 - A supply of bar, liquid, or powdered hand-cleaning soap or detergent in a dispenser shall be available at each lavatory.
 - A supply of single-use towels or a hand-drying device shall be available and located near the lavatory. Common towels are prohibited. Where disposable towels are used, waste receptacles shall be located conveniently near the hand-washing facilities.
- (Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 895.60 Public Notification

- a) If a semi-private water supply exceeds an applicable maximum contaminant level under this Part, the supplier of water shall give notice by posting public notification of the failure for as long as the failure continues. The posting shall be visible to all users of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

the water.
b) Notices shall:

- 1) Be written in a manner reasonably designed to fully inform the water-supply users of the presence and dangers of the contaminant.
- 2) Be conspicuous.
- 3) Be easy to understand and not use unnecessary technical language.
- 4) Be plainly visible and not use small print or other formats that would make the notice difficult to read or inaccessible to persons viewing the notice.
- 5) Disclose all material facts, including the nature of the problem, preventive measures that should be taken by the users, and when applicable, a clear statement that a drinking water regulation has been violated.
- 6) Be designed for the special needs of populations that include non-English speaking people, visually impaired people, or other applicable impairments.
- 7) Include an explanation of the significance or seriousness of the contaminant to the public health.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: State Toll Highway Rules

2) Code Citation: 92 Ill. Adm. Code 2520

3) Section Numbers: Proposed Action:

2520.110 Amend
2520.201 Amend
2520.204 Amend
2520.206 Amend
2520.223 Amend
2520.226 Amend
2520.224 Amend
2520.224 Amend
2520.401 Amend
2520.403 Amend
2520.404 Amend
2520.504 Amend
2520.702 Amend
2520.706 Amend
2520.707 Amend
2520.708 Amend
2520.709 Amend

4) Statutory Authority: 605 ILCS 10/10(a)

5) A complete description of the subjects and issues involved: The changes to the rules are necessary as a result of the evolution of I-PASS, and to further clarify existing rules. These amendments are submitted for the benefit and welfare of the public.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
2520.223	Amendment	24 Ill. Adm. Code 2644
252.705	Amendment	24 Ill. Adm. Code 2644

10) Statement of Statewide Policy Objectives: The proposed changes do not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rule may submit written comments within 45 days of the publication of this notice in the *Illinois Register* to:

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

Mr. Eugene J. Kennelly, Chief Counsel
 Illinois State Toll Highway Authority
 2700 Ogden Avenue
 Downers Grove, Illinois 60515
 (630)241-6800

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was unforeseen that this rulemaking would occur.

The full text of the Proposed Amendments is the same as Emergency Amendments published in this issue of the *Illinois Register* on page 4236.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

<u>Section Numbers:</u>	<u>Adopted Action:</u>
121.18	Amended
121.19	Repealed
121.23	Amended
121.25	Amended
121.26	Amended
121.27	Amended
121.28	Amended
121.29	Amended
121.31	Amended
121.60	Amended
121.61	Amended
121.63	Amended
121.64	Amended
121.73	Amended
121.184	Amended

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

5) Effective Date of Amendments: March 2, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: These proposals were combined into one adopted version.

October 8, 1999, 23 Ill. Reg. 12029
 November 29, 1999, 23 Ill. Reg. 13970
 October 29, 1999, 23 Ill. Reg. 13186
 November 3, 1999, 23 Ill. Reg. 13319

10) Has JCAR Issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version:

In Section 121.18 (a), deleted "begins 1/1/2000 and".

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

In Section 121.18 (a), added at the end of the paragraph the sentence "The work requirement does not apply for calendar year 2000".

In Section 121.18 (d), added "the" and struck through "a" before 36-month period.

In the Table of Contents and the Section 121.27, changed the "or" to "/" in the title.

In the Table of Contents and the Section 121.28, added "/" Reduction in Work Hours".

In Section 121.23 (f)(1), deleted Food Stamp Employment and Training Program and the parentheses around FSE&T.

In Section 121.23 (f)(5), added "the" before "work".

In Section 121.25 (a), changed "quit" to "quits" and "reduced" to "reduces".

In Section 121.25 (a), changed "failed" to "fails".

In Section 121.26 (a), added "on that individual" before "as".

In Section 121.26 (b)(2), changed "the sanction" to "that sanction" and also changed "applies to the new household" to "will still be in effect, and that individual's income will be calculated for the new household in accordance with Section 121.73".

In Section 121.26 (d), added "individuals in" after "For" and added "who are" before "sanctioned".

In Section 121.27 (b), added "has" after "household", and deleted "has" before "voluntarily".

In Section 121.27 (d), changed "provided" to "required".

In Section 121.28 (j), struck "primary wage earner's" and added "person's".

12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part: No

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendment: The proposed amendments were combined at the time of adoption.

Section 121.18 is being changed to reflect a change in the work requirement. Persons who are not exempt from the work requirement are restricted to 3 months of eligibility for food stamps in a 36-month period. The Food and Nutrition Service has given states the option to set a fixed 36-month. The purpose of the rule is to utilize this option. The fixed time period begins 01/01/2000 and ends 12/31/2002, at which time the next 36-month time period begins.

Sections 121.19 -184. This rulemaking is required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which revised Section 815 of the Food Stamp Act. The purpose of the rulemaking is to promote work-directed activities or when an individual quits a job or reduces work hours to under 30 hours per week. This rulemaking also establishes that payments made under the Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund) are exempt from consideration as income for General Assistance.

Sections 121.60 - 121.64. As required by Federal Regulations, the Standards are revised annually to reflect the annual adjustment to the federal income poverty guidelines. Food Stamp applicants and recipients will receive an increase in benefits.

Section 121.63. This rulemaking will amend the section on Deductions from Monthly Income. The federal Personal Responsibility and Work Opportunity Reconciliation Act, Section 809 made use of the Homeless Standard optional. With this rule change, if a homeless household anticipates shelter costs, the cost will be used when computing the households food stamp benefits.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
217/785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER B: ASSISTANCE PROGRAMS

PART 121

FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Service
121.10	Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.18	Work Requirement
121.19	Ending a Voluntary Quit Disqualification (Repealed)
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements
121.24	Individuals Exempt From Work Registration Requirements
121.25	Failure to Comply with Work Provisions
121.26	Period of Sanction
121.27	Voluntary Job Quit/Reduction in Work Hours
121.28	Good Cause for Voluntary Job Quit/Reduction in Work Hours
121.29	Exemptions from Voluntary Quit/Reduction in Work Hours Rules Rate

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income in-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder

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Income From Rental Property

Earned Income In-Kind

Sponsors of Aliens

Assets

Exempt Assets

Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions From Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA - Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting
121.91	Retrospective Budgeting
121.92	Issuance of Food Stamp Benefits
121.93	Replacement of the EBT Card or Food Stamp Benefits
121.94	Restoration of Lost Benefits
121.95	Uses For Food Coupons
121.96	Supplemental Payments
121.97	Client Training for the Electronic Benefits Transfer (EBT) System
121.98	State Food Program (Repealed)
121.105	New State Food Program

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 121.120 Recertification of Eligibility
 121.130 Residents of Shelters for Battered Women and their Children
 121.131 Fleeing Felons and Probation/Parole Violators
 121.135 Incorporation By Reference
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
 121.145 Quarterly Reporting

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

- Section
 121.150 Definition of Intentional Violations of the Program
 121.151 Penalties for Intentional Violations of the Program
 121.152 Notification To Applicant Households
 121.153 Disqualification Upon Finding of Intentional Violation of the Program
 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

- Section
 121.160 Persons Required to Participate
 121.162 Participation and Cooperation Requirements
 121.164 Orientation
 121.166 Assessment and Employability Plan
 121.170 Job Search Component
 121.172 Basic Education Component
 121.174 Job Readiness Component
 121.176 Illinois Works Component
 121.177 Job Training Component
 121.178 JTPA Employability Services Component
 121.179 Grant Diversion Component (Repealed)
 121.180 Sanctions
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 121.201 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
 121.202 Collecting Claim Against Households (Recodified)
 121.203 Failure to Respond to Initial Demand Letter (Recodified)
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- 121.208 Suspension and Termination of Claims (Recodified)
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- Section
 121.220 Work Requirement Components
 121.221 Meeting the Work Requirement with the Earnfare Component
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 121.223 Work Experience Component
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 121.225 Meeting the Work Requirement with the Illinois Works Component
 121.226 Meeting the Work Requirement with the JTPA Employability Services Component

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 35, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; peremptory amendment at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8119, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12699, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November

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18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7248, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13618, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg.

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15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16244, effective October 28, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 15149, effective August 26, 1993; for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 14625, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11395, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998; for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective February 1, 1999; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective March 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective

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SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.18 Work Requirement

- a) An individual is restricted to three months of eligibility for food stamps during a 36-month period unless he or she meets the work requirement or he or she is exempt from meeting the work requirement. The 36-month period is a fixed time period for the entire State. The fixed time period ends 12/31/2002, at which time the next 36-month period begins. The work requirement does not apply for calendar year 2000.
- b) An individual meets the work requirement if he or she works an average of 20 hours per week or he or she participates in workfare for the required number of hours. The work requirement does not apply for calendar year 2000.
- c) An individual is exempt from meeting the work requirement if the individual is:
- 1) under age 18 or over age 50;
 - 2) medically certified as physically or mentally unfit for employment;
 - 3) pregnant;
 - 4) a student enrolled at least half time;
 - 5) a member of a household responsible for a dependent child;
 - 6) responsible for the care of an incapacitated person;
 - 7) participating in a drug addiction or alcoholism treatment and rehabilitation program;
 - 8) receiving weekly earnings of at least the federal minimum wage times 30 hours;
 - 9) receiving Unemployment Insurance; or
 - 10) residing in an area which is exempt from this requirement (see Section 824(a)(4)(A)(i) and (ii) of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996).
- d) An individual who has been denied eligibility because he or she does not meet the work requirement may qualify for three additional months of eligibility for food stamps in the 36-month period. To qualify for the three additional months of eligibility for food stamps, during a 30-day period the individual must:
- 1) work 80 or more hours; or
 - 2) participate in and comply with workfare.

(Source: Amended at 24 Ill. Reg. 4180 -, effective MAK - 2/2000)

Section 121.19 Ending a Voluntary Quit Disqualification (Repealed)

- a) Following the end of the disqualification period, a household may begin participation if it applies again and is determined eligible.
- b) Eligibility may be re-established during the disqualification period

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if the member who caused the disqualification:

- 1) secures new employment comparable in salary or hours to the job which was quit after the new employment does not result in increased household need for food stamps; or
- 2) leaves the household; or
- 3) becomes exempt from work registration requirements (see Section 121.24) for reasons other than participation in Project Chance (see 89 Ill. Adm. Code 112.70-112.82) or receipt of Unemployment Insurance (117) or
- 4) a new and eligible person joins the household and that person meets the definition of primary wage earner (see Section 121.27); or
- e) if the individual who caused the disqualification joins another household and is primary wage earner or is designated as head of that household, the new household is ineligible for the balance of the period of ineligibility.

(Source: Repealed at 24 Ill. Reg. 4180 -, effective MAK - 2/2000)

Section 121.23 Work Registration/Participation Requirements

- a) All nonexempt adults who are eligible members of a food stamp household shall register for employment, participate in an employment and training program and accept suitable employment. Compliance with this requirement is a prerequisite to certification and program benefits shall not be granted conditionally prior to registration by nonexempt household members. However, under expedited services, the applicant must register but registration of other members may be postponed.
- b) All nonexempt individuals must register in the following circumstances:
- 1) prior to initial certification;
 - 2) for a new household member, prior to addition to the case;
 - 3) once every 12 months; and
 - 4) when as a result of a change which the household is required to report, a member loses exempt status. (See 89 Ill. Adm. Code 102.50(c).)
- c) Registration with the Food Stamp Employment and Training Program (FSEET) for General Assistance (GA) purposes shall meet the food stamp work registration requirement for nonexempt City of Chicago GA/Food Stamp applicants and recipients.
- d) Participation in TANF work and training activities shall meet the food stamp registration requirement. Registration with the food Opportunities and Basic Skills Training Program (OBST) for aid to families with dependent children (AFDC) purposes shall meet the food stamp work registration requirement.
- e) Registration with a Refugee Placement Agency or Illinois Job Service for Refugee Assistance/Food Stamp recipients shall meet the food stamp

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work registration requirements.

f) Each household member who is required to register for employment is also required to:

- 1) participate in an employment and training program, if assigned by DHS or FSE&T, in accordance with 89 Ill. Adm. Code--112-79--and Section 121.162;
- 2) respond to requests for supplemental information regarding employment status or availability for work;
- 3) report to employers to whom referred;
- 4) accept a bona fide offer of suitable employment (see Section 121.28 and 112-79(b) for a definition of "suitable employment"); and
- 5) cooperate with the comparable work requirements of DHS-for-ARPE and the Food Stamp Employment and Training Program + FSE&T. (See 89 Ill. Adm. Code 112-79-through-112-85; 114-60-through 114-86; 114-85; 114-126-through-114-130--and 121.160 through 121.190.)

(Source: Amended at 24 Ill. Reg. 4180 -- 3, effective MAR - 2 2000)

Section 121.25 Failure to Comply with Work Provisions

- a) An individual who, without good cause, fails to comply with the work registration requirements (see Section 121.23), or who voluntarily quits a job or reduces work hours (see Section 121.27), or who fails to comply with the Food Stamp Employment and Training Program participation requirements (see Section 121.162), will be sanctioned from receiving Food Stamp benefits.
- b) An individual who fails to comply with the work provisions is an ineligible household member (see Section 121.31(h)).
- a) The local office will determine if an individual has refused or failed to comply without good cause with work registration requirements.
- b) FSB&T will determine if an individual has failed to comply with program requirements (see 89 Ill. Adm. Code 112-79 and 112-79; the Department will take action to terminate Food Stamp benefits within ten calendar days after such determination by FSB&T staff.
- c) If it is determined that a household member failed to comply with work registration requirements without good cause:
 - 1) the person is an ineligible household member (see Section 121.31(h)) if there is another parent of a child in the food stamp household or if the person who failed to comply did not earn the most money in the two months prior to the violation or
 - 2) the whole household is ineligible if the person who failed to comply is the only adult or is the person who earned the most money in the two months prior to the violation and there is no other parent of children in the food stamp household.
- d) Good cause includes circumstances beyond the member's control such as, but not limited to, illness, illness of another household member

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requiring the presence of the member, lack of transportation, a household emergency or the lack of adequate child care for children ages six through 11, as defined in Section 121.75(a)(4).

(Source: Amended at 24 Ill. Reg. 4180 -- 1, effective MAR - 2 2000)

Section 121.26 Period of Sanction

- a) If an individual fails to comply with work registration requirements (Section 121.23), or fails to comply with the FSE&T program requirements (Section 121.184), or voluntarily quits a job or reduces work hours (Section 121.27), sanctions shall be imposed on that individual as follows:
 - 1) two months for the first violation;
 - 2) four months for the second violation; and
 - 3) six months for the third violation.
- b) The period of sanction may end early if:
 - 1) the individual becomes exempt from the requirements; or
 - 2) the individual is no longer a household member. However, if the individual becomes part of another household, the remainder of that sanction period will still be in effect, and that individual's income will be calculated for the new household in accordance with Section 121.73.
- c) Participation may be resumed following the end of the last fiscal month of the sanction period if:
 - 1) an application is filed (if the case was canceled as a result of the sanction), or a request is made to add the individual to an active case (if the case remained eligible when the individual was sanctioned); and
 - 2) the individual complies with the program requirements for which the individual was sanctioned; and
 - 3) all other eligibility requirements are met.
- a) The period of sanction of an entire household for failure to comply with work registration requirements lasts until:
 - 1) the member complies with the requirements;
 - 2) the member becomes exempt from the requirements;
 - 3) the individual is no longer a household member; or if the individual becomes part of another household, the new household is not eligible for the remainder of the sanction period; or
 - 4) the household has been sanctioned for two fiscal months beginning with the first month following the expiration of the adverse notice period.
- b) The sanction ends:
 - 1) following the end of the second fiscal month of sanction; if participation may be resumed; if
 - a) an application is filed; and
 - b) all other eligibility requirements are met.

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- 2) during-the-sanction-period-when-the-recipient-is--otherwise eligible-and-becomes-exempt-from-the-registration-requirements.
d)e) For individuals in GA/FS households who are sanctioned for failure to cooperate with comparable requirements of FSEAT, the food stamp sanction period does not have to coincide with the GA sanction period.

(Source: Amended at 24 Ill. Reg. 4180-3, effective MAR 2 2000)

Section 121.27 Voluntary Job Quit/Reduction in Work Hours

- a) If, within 60 days before the date of initial application, a member of the food stamp household has, without good cause voluntarily quit his or her job, or voluntarily reduced work hours to less than 30 hours per week, the individual is subject to a sanction (see Section 121.29 for exemptions).
- b) If a member of participating food stamp household has, without good cause, voluntarily quit his or her job or voluntarily reduced work hours to less than 30 hours per week, the individual is subject to a sanction (see Section 121.29 for exemptions).
- c) If within 60 days before the date of initial application the primary wage-earner or the only adult member of the food stamp household has without good cause voluntarily quit his or her job the entire household is ineligible for food stamp benefits for 99 days beginning with the date of the quit.
- b) If the primary wage-earner or the only adult member of a participating food stamp household has, without good cause, voluntarily quit his or her job the entire household is ineligible for food stamp benefits for three fiscal months (see 89 Ill. Adm. Code 101.207).
- c) Primary Wage-Earner: The household member who has been earning the most money to support the household in two months prior to the date of the quit. The primary wage-earner need not be the head of the household. The employment must involve 20 hours or more per week or provide gross weekly earnings equal to or greater than the Federal Minimum Wage multiplied by 20 hours. A child of any age living with a parent or a person fulfilling the role of a parent shall not be considered a primary wage-earner if the parent or household member acting as a parent is registered for work or exempt from work registration because the individual:
- 1) is subject to and participating in JOBS under AFDC requirement;
 - 2) receives or is expected to receive unemployment insurance benefits;
 - 3) is employed or self-employed and working a minimum of 30 hours per week or receives earnings equal to or greater than 30 times the Federal Minimum Wage.

- d) A Federal, State or local government employee who participates in a strike against such government and is dismissed from his or her job because of participation in the strike is considered to have

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- voluntarily quit his or her job without good cause.
d)e) If the household provides questionable information is provided (i.e. that is, inconsistent with information previously supplied by the household or other information available to the local office) regarding whether a household member the primary wage-earner has voluntarily quit employment or voluntarily reduced work hours, it shall provide verification from sources such as a previous employer, employee associations, and union representatives, etc., shall be required.

(Source: Amended at 24 Ill. Reg. 4180-3, effective MAR 2 2000)

Section 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours

- a) Circumstances beyond the person's control, including but not limited to:
- 1) illness;
 - 2) illness of another household member requiring the presence of the individual primary wage-earner;
 - 3) a household emergency;
 - 4) lack of transportation; or
 - 5) lack of adequate child care for children age 6 through 11 as defined in Section 121.75(a)(3).
- b) Resignation from a job which is considered "unsuitable" or becomes "unsuitable" after acceptance of the job. Employment is considered "unsuitable" if:
- 1) wages are below federal or State minimum wage;
 - 2) the person primary wage-earner is required to join or refrain from joining a labor union;
 - 3) the work site is subject to a strike or lockout;
 - 4) the degree of risk to health or safety is unreasonable;
 - 5) the person primary wage-earner is physically or mentally unable to perform the employment;
 - 6) the distance from the member's home to the place of employment is unreasonable (daily commuting exceeds two hours a day).
- c) Discrimination by employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs.
- d) Work demands or conditions that make it unreasonable to continue employment, including, but not limited to, a person working and not being paid on schedule.
- e) Acceptance of new employment, requiring that the person primary wage-earner leave the current job.
- f) Acceptance by any other household member of employment in a different county, requiring that the household move and that the person primary wage-earner leave the job.
- g) Educational enrollment by the primary wage-earner, at least half time, in any recognized school, training program or institution of higher

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- h) Educational enrollment of another ~~a~~ household member in a different another county, requiring that the household move and that the person ~~primary-wage-earner~~ leave the job. Enrollment must be at least half time in any recognized school, training program or institution of higher education.
- i) Resignation from employment by a person who is under 60 which the employer recognizes as retirement.
- j) Acceptance of bona fide offer of employment which, because of circumstances beyond the person's ~~primary-wage-earner's~~ control, does not materialize, turns out to be less than 20 hours a week, or pays less than the federal minimum wage times 20 hours per week.
- k) Leaving a job in connection with patterns of employment, e.g. migrant farm labor.

(Source: Amended at 24 Ill. Reg. 4180.11, effective MAR - 2 2000.)

Section 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

- a) The hours ~~Hours~~ of employment are reduced by the employer ~~white working-for-the-same-employer~~;
- b) Termination of self-employment enterprise;
- c) Employer demands that person resign from job; ~~and~~
- d) The person is ~~persons-who-are~~ exempt from the work registration requirements; ~~and~~
- e) ~~When-a-food-stamp-household-member-quits-a-job-and-the-food-stamp household-also-contains-another-parent-and-their-child-~~

(Source: Amended at 24 Ill. Reg. 4180.12, effective MAR - 2 2000.)

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.31 Exempt Unearned Income

The following unearned income is exempt:

- a) Vendor payments when these are made in behalf of a household by a nonhousehold member with nonhousehold funds, and paid directly to the household's creditors or person or organization providing the service to the household. (This includes rent and mortgage payments made to landlords or mortgages by Housing and Urban Development (HUD).);
- b) Monies that are legally obligated and otherwise payable to the household such as, but not limited to, garnished wages, public assistance grants directed to a protective payee, GA disbursing orders and payments directed to a vendor, and support or alimony payments legally obligated to a household member, but which are diverted by the

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provider of the payment to a third party for a household expense, are counted as income and not excluded as a vendor payment. The following are considered vendor payments and not diverted income:

- 1) Rent paid directly to a landlord by a household's employer in addition to paying the household its regular wages;
 - 2) Assistance payments that would not normally be provided in a money payment to the household, and that are over and above normal public assistance or general assistance grants, if they are made directly to a third party for a household expense;
 - 3) Child support or alimony payments specified by a court order or other legally binding agreement to go directly to a third party rather than to a household;
 - 4) Support payments not required by a court order or other legally binding agreement (such as, payments in excess of an amount specified in a court order or written agreement) which are paid to a third party rather than to the household;
 - 5) Public Assistance or General Assistance payments to a third party in behalf of a household for medical, child care, or energy assistance (Public Assistance means AFDC and RABD);
 - 6) From October 20, 1987, to September 30, 1989, the entire amount of Public Assistance or General Assistance payments to third parties in behalf of a household for temporary housing, even any portion of the payment which is part of the normal Public Assistance or General Assistance payment, provided the housing lacks facilities for preparation and cooking of hot meals or refrigerated food storage; and
 - 7) Emergency Public Assistance (PA) or General Assistance (GA) payments made directly to a third party (that is, vendor payment) on behalf of a migrant or seasonal farmworker household while the household is in the job stream. This assistance includes, but is not limited to, emergency vendor payments for housing or transportation;.
- c) Cash donations based on need received on or after February 1, 1988, from one or more private nonprofit charitable organizations, but not to exceed \$300-00 in a federal fiscal year quarter;
- d) Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, not in excess of \$30-00 per quarter;
- e) All loans other than educational loans on which repayment is deferred;
- f) Reimbursements for past or future expenses, to the extent they do not exceed actual expenses and do not represent a gain or benefit to the household. This does not include reimbursements for normal living expenses;
- g) Monies received and used for the care and maintenance of a third-party beneficiary who is not a household member. Foster care payments are considered income to the adult or child in foster care and not income to the household providing the foster care even if the payments are

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made to the provider household rather than to the adult or child or children in foster care. If the household chooses to include the adults and/or children in foster care as part of the household, the entire foster care payment is considered unearned income to the household;

- b) Income of nonhousehold members except ineligible household members who **for--those--who** have been sanctioned **disqualified** for fraud or intentional program violation, for failure to comply with work registration requirements due to a voluntary job quit or reduction in work hours, or failure to comply with the FSEGT program, for failure to meet the social security number requirements, because of ineligible alien status, or due to questionable citizenship status [see Section 121.73];

- i) Payments to volunteers under the Domestic Volunteer Service Act (42 USC 4586e-7 4951-4993) (VISTA) are exempt only if the individual:

- 1) was receiving food stamps or public assistance at the time he or she joined VISTA; and/or
- 2) was receiving an exempted VISTA payment, or other substance payments under Title I of the Domestic Volunteer Services Act, prior to March 1, 1979, and the volunteer contract in effect March 1, 1979, has not expired;

- j) Income received from the disposition of funds to the Grand River Band of Ottawa Indians;

- k) Any income specifically excluded by any federal statute from income consideration for food stamp purposes;

- l) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances through the Job Training Partnership Act (29 USC 4505e-1501-1781);

- m) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-321; and

- n) Income received from the Social Security Administration under the PASS Program; and

- o) Payments made under the Federal Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund).

(Source: Amended at 24 Ill. Reg. 4180 - 2 effective
MAR - 27000)

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards

- a) Eligible households whose net monthly income does not exceed the maximum monthly income standards shall be assigned food stamp benefits based on the net monthly food stamp income.
- b) The maximum net monthly income standards are:

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	Household Size	Amount
1.....	\$ 687 67±
2.....	922 965
3.....	1,157±196
4.....	1,392±37±
5.....	1,627±665
6.....	1,862±836
7.....	2,097±92±
8.....	2,332±365
Each additional member.....	+235 ±234

Derived from Office of Management and Budget non-farm, income poverty guidelines.

(Source: Amended at 24 Ill. Reg. 4180 - 2 effective
MAR - 27000)

Section 121.61 Gross Monthly Income Eligibility Standards

- a) Gross Monthly Income Eligibility Standards

1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)(1990)). However, categorically eligible households and households containing a member who is elderly, blind or disabled will be exempt from this gross income check (see also 7 CFR 273.9(c) (1990)). To qualify for increased benefits, a household must contain a member who meets one of the following requirements:

- A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
- B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).
- C) A member receives Social Security disability or blindness benefits under Title II (SSDI) of the Social Security Act.
- D) A member receives State Supplemental Payment (SSP) due to blindness or disability.
- E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).
- F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
- G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered

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permanently incapable of self-support by the VA.
 H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.

I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.

J) A member receives Railroad Retirement disability benefits.

K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.

L) A member receives disability-related medical assistance benefits (Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.

2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 USC 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).

b) Household Size Gross Income

One Person	\$ 893873
Two Persons	1,199,476
Three Persons	1,504,479
Four Persons	1,810,479
Five Persons	2,115,486
Six Persons	2,421,489
Seven Persons	2,726,493
Eight Persons	3,032,496
Each Additional Member	306,484

(Source: Amended at 24 Ill. Reg. 4180, effective MAR - 2000)

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Section 121.63 Deductions From Monthly Income

a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.

b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.

c) Standard Deduction. The standard deduction is \$134 per household per month except for cases in which the person receiving the food stamp benefits also receives TANF cash assistance. Those households receive a reduced amount of the standard deduction as negotiated between the Food and Nutrition Service and the Department.

d) Dependent Care Deduction

1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.

2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$200 per month for each child under age 2 and \$175 per month for each other dependent household member.

e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.

f) Shelter Costs Deduction

1) The shelter deduction is the amount of shelter costs that exceed 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$250.

2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (1990) and Section 121.61, there is no limit on the amount of the excess shelter deduction.

3) Households--in which all members are homeless; but are not receiving free shelter throughout the month; are entitled to a \$143-per-month--homeless-shelter-costs--deduction--Homeless households--with shelter costs--which exceed the homeless-shelter costs deduction--are allowed to claim the higher shelter-costs; if these costs are verified--Homeless households--which receive free housing and utilities throughout the month--are not entitled to the homeless-shelter-costs deduction

34) Shelter costs include only the following:

- continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
- property taxes, State and local assessments and insurance on the structure itself; and

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- C) utility costs, as described in subsection (g) of this Section.
- 45) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
- A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
 - C) the home is not leased or rented during the absence of the household.
- 36) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

g) Utility Costs

- Utility costs include:
 - the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection fees;
 - basic service fee for one telephone (including tax on the basic fee) of \$27; and
 - fees charged by the utility provider for initial installation.
- Utility deposits are not considered to be utility costs.
- Those households which are billed for heating or air conditioning, or both, separately from their rent or mortgage may claim the standard utility allowance of \$209. Households living in rental housing who are billed on a regular basis by a landlord for costs for heating or air conditioning, or both, may use the standard utility allowance if utility usage is determined through a meter or otherwise is verifiable or if the charge for heating or air conditioning, or both, is separate and identifiable. If the standard utility allowance is used, then no other utility costs may be claimed. If actual utility costs exceed the standard utility allowance, then actual, verified costs may be claimed, except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$27 per month is allowed. The client may switch between the standard utility allowance and actual utility costs only at recertification.
- However, during the heating or cooling season, a household that is billed less often than monthly for its costs for heating or air conditioning, or both, but is otherwise eligible to use the standard utility allowance, may continue to use the standard utility allowance between billing months.
- Households in public housing or privately owned rental units which receive a bill for over-usage are not entitled to use the standard utility allowance. When households (as defined at 7 CFR 273.11(a) (1990)) live together, the standard utility allowance

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shall be divided equally among the households that contribute toward the utility costs whether or not each household participates in the program.

- Households whose expense for heat or air conditioning, or both, is covered by indirect energy assistance payments under the Illinois Home Energy Assistance Program (47 Ill. Adm. Code 100) shall be entitled to the standard utility allowance (7 CFR 273.9 and 273.10(d)(6) (1990)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or air conditioning, or both, are covered by indirect energy assistance payments.
- Those households which are not billed separately for either heat or air conditioning are not entitled to claim the standard utility allowance but may claim the actual utility amounts for which they are billed separately, subject to the \$27 per month limitation for telephone expense.
- Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (1990) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended at 24 Ill. Reg. 4180 effective MMR-2/2000)

Section 121.64 Food Stamp Benefit Amount

- The monthly food stamp benefit amount is determined by subtracting 30% of the adjusted net monthly income from the maximum monthly food stamp benefit amount.

- Maximum Monthly Food Stamp Benefit Amount:

Household size	
1.....	\$127495
2.....	\$234236
3.....	\$335389
4.....	\$426449
5.....	\$506497
6.....	\$607597
7.....	\$671659
8.....	\$767754
Each Additional Member	+\$ 9694

- All one and two-person households will receive a minimum monthly food stamp benefit amount of \$10.00

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d) September Food Stamp Benefit Amount Adjustment

The annual revisions of maximum gross and net income standards, standard deduction, maximum excess shelter deduction and food stamp benefit amounts are effective October 1st of each year. Because the September fiscal month of certain households includes days which fall in the October calendar month, the portion of the September fiscal food stamp benefit amount covering October 1st and later must be increased to reflect the new standards.

(Source: Amended MAR 24 Ill. Reg. 4180 effective MAR 27 2000)

SUBPART E: HOUSEHOLD CONCEPT

Section 121.73 Ineligible Household Members

The income and assets of ineligible household members, not eligible to participate in the Food Stamp program, are used in determining eligibility and level of benefits for the remaining eligible household members. The following are ineligible household members:

- a) Individuals disqualified for intentional violation of the program, and
- b) Individuals sanctioned due to failure to comply with the work provisions, and

c) Individuals excluded:

- 1) For refusal to meet the GSN requirements of Section 121.22; or
- 2) As an ineligible alien; or
- 3) For failure to comply with work registration requirements.

(Source: Amended at 24 Ill. Reg. 4180 effective MAR 27 2000)

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section 121.184 Sanctions

- a) An individual who fails to cooperate with the Food Stamp Employment and Training program, without good cause, and who fails to comply with the conciliation process shall be subject to Transitional Assistance sanction and/or food stamp sanction ~~disqualification~~. An individual ordered by a court of competent jurisdiction to participate in the Earnfare Component who fails to cooperate shall be referred back to the court for failure to comply with the court order. Individuals who volunteer to participate in Earnfare or individuals ordered by a court of competent jurisdiction to participate are not subject to food stamp sanctions ~~disqualifications~~ for non-participation in Earnfare.

- 1) An individual who fails to cooperate with the requirements of the Food Stamp Employment and Training program shall be ineligible for Transitional Assistance for two months and/or sanctioned

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~~disqualified~~ for food stamps. (See Section 121.26 for the period of the sanction for food stamps.) ~~for two months--the two-month ineligibility--and/or--food stamp disqualification--shall be ended early if the individual actually complies with the appropriate requirement--or if the individual becomes exempt.~~

- 2) Transitional Assistance sanctions and/or food stamp sanctions ~~disqualifications~~ shall be imposed against those individuals who refuse or fail to participate, without good cause, in the Food Stamp Employment and Training program. (See Section 121.186 for good cause.)

b) Non-cooperation with the Food Stamp Employment and Training program includes one instance of any of the following:

- 1) refusal/failure to respond to a job referral;
- 2) refusal/failure to accept a bona fide offer of employment (see Section 121.162(b)(4));
- 3) discontinuance of suitable employment (including quitting a job after placement and before cancellation) without good cause (see Section 121.162(c)(1));
- 4) reduction of suitable employment (for example, hours of employment) without good cause (see Section 121.162(c)(2)); or
- 5) use of a supportive service payment (see Section 121.188) for something other than the supportive service for which it was provided.

c) A Transitional Assistance sanction and/or food stamp sanction ~~disqualification~~ will be imposed when an individual fails to comply, without good cause, with the following Food Stamp Employment and Training requirements on one occasion, unless otherwise indicated:

- 1) An individual fails, without good cause, or refuses to respond to a written notice for an appointment. If an individual arrives anytime within 30 minutes after the start of the scheduled meeting, the individual will be considered present. If an individual has good cause (see Section 121.186) for being more than 30 minutes late, the tardiness will be excused. The client ~~Food Stamp--Employment--and--training--worker~~ will be included ~~include--the individual in a scheduled group or other meeting or~~

~~be re-scheduled re-schedule the individual for another meeting;~~

- 2) An individual refuses to accept child care, transportation, family counseling or other social service or employment and training services such as testing or employment counseling, without good cause, thereby precluding or interrupting participation or progress in the employability plan;

- 3) An individual fails to cooperate in job search one time without good cause (see Section 121.182(g)). Each missed session is considered an instance of non-cooperation. Failure of an individual to make the required 20 employer contacts in a 30-day period shall result in a Transitional Assistance sanction and/or a food stamp sanction ~~disqualification~~ (see Sections 121.162(b)(2));

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4) Individuals assigned to participate in an Education or a Training component activity must maintain a satisfactory level of attendance as established by the education or training facility. However, failure to attend training or education classes three times in a 30-day period, without good cause, shall result in a Transitional Assistance sanction and/or food stamp sanction ~~disqualification~~ (see Section 121.186);

5) Failure of an individual to attend training, without good cause, as specified for the Training component shall result in a sanction; and

6) Failure to report to the Illinois Works or JTPA Employability Services provider when initially called in or referred, failure to participate, or failure to attend one day in any 30-day period, without good cause, shall result in a Transitional Assistance Sanction and/or food stamp ~~sanction~~ ~~disqualification~~.

d) A Transitional Assistance sanction and/or food stamp ~~sanction~~ ~~disqualification~~ shall be imposed only on a nonexempt individual.

e) No Transitional Assistance sanction or food stamp ~~sanction~~ ~~disqualification~~ will be imposed until ~~Food-Stamp-Employment-and-Training-staff-has-sent~~ the individual is sent a written notice scheduling a conciliation meeting and the individual has not shown good cause for non-cooperation and has either failed to attend the meeting, without good cause, or failed to complete the conciliation process (see Section 121.190). The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause and shall include a definition of good cause. Failure of the nonexempt registrant to appear for the scheduled meeting is not considered an instance of non-cooperation.

f) A Transitional Assistance sanction and/or food stamp ~~sanction~~ ~~disqualification~~ shall be rescinded at any level of the Transitional Assistance sanction and/or food stamp ~~sanction~~ ~~disqualification~~ process up through and until the final agency decision, including any appeal hearing, even if not previously mentioned, if the individual establishes good cause (see Section 121.186 for good cause criteria).

9) The notice of change form issued for a Transitional Assistance sanction and/or food stamp ~~sanction~~ ~~disqualification~~ shall include the following:

1) a description of the acts of non-cooperation with the Food Stamp Employment and Training program, including dates where applicable;

2) a statement that the individual's acts were without good cause (see Section 121.186 for good cause criteria) and, if the individual provided a good cause reason, it must state why the reason was rejected and that the individual failed to successfully complete the conciliation process; and

3) a statement about the length of the sanction period and the action that must be taken to restore benefits.

~~the following statement:--You-will-be-sanctioned-until--last-day-of-sanction~~

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period)-or-until-you-comply-with-the-appropriate-program requirement--or---become-exempt---in-order-for-Transitional Assistance-and-Food-Stamp-Assistance-to-be-restored-at-the-end-of the-financial-sanction-and/or-food-stamp-disqualification-period with--no-further-gap-in-assistance-you-must-file-an-application for-Transitional-Assistance-and/or-Food-Stamp-Assistance-between (date)-and-(date)--if-you-apply-later-than-(date),there-may-be a-further-gap-in-assistance."

(Source: Amended at 24 Ill. Reg. 4180 - 3, effective MAY-2000)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Day Care Homes
- 2) Code Citation: 89 Ill. Adm. Code 406
- 3) Section Number
406.13 Emergency Action
Amended
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10]
- 5) Effective Date of Amendments: March 1, 2000
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

- 7) Date filed with the Index Department: February 29, 2000

- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Reason for Emergency: The emergency rules allow a caregiver to accept an additional child under five years of age and still be able to provide care for up to two children under 30 months of age. This option will help address the critical need for licensed child care in areas where full day kindergarten and preschool are making it difficult for licensed family child care providers to continue in business.

- 10) A Complete Description of the Subjects and Issues Involved: The Department is amending Part 406 as follows:

Section 406.13 is amended to allow a caregiver to care for up to six children under the age of five, of which up to two children may be under 30 months of age. The term "beginning" is being replaced with "caregiver".

- 11) Are there any other amendments pending to this Part? No

- 12) Statement of Statewide Policy Objectives: This amendment does not create or expand a State mandate.

- 13) Information and questions regarding this amendment shall be directed to:

Jeff E. Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498
(217) 524-1983

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TDD: (217) 524-3715
E-Mail: cfpolicy@dcfs.state.il.us

The full text of the emergency amendments begins on the next page.

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 406

LICENSING STANDARDS FOR DAY CARE HOMES

Section

- 406.1 Purpose
406.2 Definitions
406.3 Effective Date of Standards (Repealed)
406.4 Application for License
406.5 Application for Renewal
406.6 Provisions Pertaining to the License
406.7 Provisions Pertaining to Permits
406.8 General Requirements for Day Care Homes
406.9 Characteristics and Qualifications of the Day Care Family
406.10 Qualifications for Assistants
406.11 Substitutes
406.12 Admission and Discharge Procedures
406.13 Number and Ages of Children Served
- EMERGENCY**
406.14 Health and Medical Care
406.15 Discipline of Children
406.16 Activity Requirements
406.17 Nutrition and Meals
406.18 Transportation of Children By Day Care Home
406.19 Swimming
406.20 Children with Special Needs
406.21 School Age Children
406.22 Night Care
406.23 Night Care
406.24 Records and Reports
406.25 Confidentiality of Records and Information
406.26 Cooperation with the Department
406.27 Severability of This Part
- APPENDIX A** Meal Pattern Chart for Children 0 to 12 Months of Age
APPENDIX B Meal Pattern Chart for Children Over One Year of Age
APPENDIX C Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10/1, Section 3] of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2].

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg.

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2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. 5531, effective April 1, 1994; amended at 19 Ill. Reg. 2765, effective February 23, 1995; amended at 21 Ill. Reg. 4524, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4207, effective March 1, 2000, for a maximum of 150 days.

Section 406.13 Number and Ages of Children Served

EMERGENCY

- a) The maximum number of children cared for in a day care home shall be 12 children under the age of 12, including the caregiver's own children, related children, and unrelated children.
- b) A caregiver beginning alone may care for:
- A mixed age group consisting of:
 - Up to eight children under the age of 12, of which
 - Up to five children may be under the age of five, of which
 - Up to three children may be under 24 months of age.
 - A mixed age pre-school group consisting of:
 - Up to eight children under the age of 12, of which
 - Up to six children may be under the age of five, of which
 - Up to two children may be under 30 months of age No child may be under-age-three.
 - A school age group consisting of eight school age children, as defined in Section 406.2.
- c) In addition to the children who may receive day care in accordance with subsection (b) above, a day care home may accept four additional children who are attending school full-time if a before and/or after school assistant is employed. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unopened school closings, and during the summer. The assistant shall be present at all times when school children are present.
- d) A beginning and an assistant may care for a total of eight children under five years of age of which up to five children may be under 24 months of age. Four additional children who are attending school full-time may be accepted for care only if the assistant is age 18 or over. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unopened school closings, and during the summer.
- e) In the event of a brief unforeseen school closing, the beginning may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 12 children. The beginning shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- f) When the acceptance of siblings of children who are already in care

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will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan which will be submitted to the licensing representative for review and approval. The plan may be approved when:

- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards,
 - 2) At least one of the siblings has been in care for 30 days or more, and
 - 3) The transition plan will bring the home back into compliance with the established age groupings within 6 months of the date the plan is approved.
- 9) Caregivers licensed as of the effective date of these amendments who are in full compliance with the standards of this Part may request in writing an increase in license capacity to the maximum of 12 children. A decision regarding the increase in capacity shall be rendered within 90 days of receipt of the request. Decisions shall be made in accordance with the amended standards of this Part.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 4207 effective March 1, 2000, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Group Day Care Homes
- 2) Code Citation: 89 Ill. Adm. Code 408
- 3) Section Number: 408.65 Emergency Action: Amended
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10]
- 5) Effective Date of Amendments: March 1, 2000
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: February 29, 2000
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The emergency rules allow a caregiver to accept an additional child under five years of age and still be able to provide care for up to two children under 30 months of age. This option will help address the critical need for licensed child care in areas where full day kindergarten and preschool are making it difficult for licensed family child care providers to continue in business.
- 10) A Complete Description of the Subjects and Issues Involved: The Department is amending Part 408 as follows:

Section 408.65 is amended to allow a caregiver to care for up to six children under the age of five, of which up to two children may be under 30 months of age.
- 11) Are there any other amendments pending to this Part: No
- 12) Statement of Statewide Policy Objectives: This amendment does not create or expand a State mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Jeff E. Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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E-Mail: cfpolicy@dcfs.state.il.us

The full text of the emergency amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 408

LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section	Purpose
408.1	Definitions
408.5	Effective Date of Standards (Repealed)
408.7	Application For License
408.10	Application for Renewal of License
408.15	Provisions Pertaining to Permits
408.20	General Requirements for Group Day Care Homes
408.25	General Requirements for Group Day Care Home Family
408.30	Background Checks
408.35	Caregiver(s)
408.40	Child Care Assistant(s)
408.45	Substitute(s)
408.50	Admission and Discharge Procedures
408.55	Number and Ages of Children Served
408.60	
408.65	

EMERGENCY

408.70	Health and Medical Care
408.75	Discipline of Children
408.80	Nutrition and Meals
408.85	Program
408.90	Transportation of Children
408.95	Swimming
408.100	Children with Special Needs
408.105	Children Under 30 Months of Age
408.110	School Age Children
408.115	Night Care
408.120	Records and Reports
408.125	Confidentiality of Records and Information
408.130	Cooperation with the Department
408.135	Severability of This Part
APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
APPENDIX C	Minimum Equipment and Supplies - Preschool Programs
APPENDIX D	Minimum Equipment and Supplies - Infant and Toddler Programs
APPENDIX E	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 101, Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS

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10/1 and 2].

SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 9950, effective May 30, 1992; amended at 18 Ill. Reg. 5540, effective April 1, 1994; amended at 19 Ill. Reg. 2784, effective February 23, 1995; amended at 21 Ill. Reg. 4563, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4212, effective March 1, 2000, for a maximum of 150 days.

Section 408.65 Number and Ages of Children Served EMERGENCY

- a) The maximum number of children cared for in a group day care home shall be 16 children under the age of 12, including the caregiver's own children, related children, and unrelated children.
- b) Twelve (12) children between 3 and 6 years of age may be cared for by a caregiver and an assistant 18 years of age or older. The assistant must be present when more than six (6) such children are present.
- c) Except as provided by subsection (b) above, the number of children to be served in the group day care home at any one time (license capacity) when a caregiver and assistant are present shall be determined in accordance with the following:
 - 1) No more than four (4) children under 15 months of age shall be cared for in a group day care home; and
 - 2) No more than six (6) children under 30 months of age shall be cared for in a group day care home of which no more than four (4) children may be under 15 months of age;
 - 3) No more than twelve (12) children under six (6) years of age shall be cared for in a group day care home of which no more than six (6) children may be under 30 months of age and four (4) under 15 months of age.
- d) A caregiver alone may care for:
 - 1) A mixed age group consisting of:
 - A) Up to eight children under twelve years of age, of which B) Up to five children may be under five years of age, of which C) No more than three children may be under 24 months of age; or
 - 2) A mixed age group consisting of:
 - A) Up to eight children under twelve years of age, of which B) Up to six children may be under five years of age, of which C) Up to two children may be under 30 months of age.
- 3) Up to eight pre-school children if no child is under age three; or
- 4) Up to twelve school age children as defined by Section 408.5.
- e) In addition to the children who may receive day care in accordance with the requirements above, a group day care home may accept four additional children who are attending school full-time if a part-time

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before and/or after school assistant is employed and the Office of the State Fire Marshal or local agencies authorized by the Office of the group day care home for acceptance of the extended capacity. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer. The assistant shall be present at all times when school children are present.

- f) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 16 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- g) When acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan which will be submitted to the licensing representative for review and approval. The plan may be approved when:
 - 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards, and
 - 2) At least one of the siblings has been in care for 30 days or more, and
 - 3) The transition plan will bring the home back into compliance with the established age groupings within six months of the date the plan is approved.
- h) Caregivers licensed as of the effective date of these amendments who are in full compliance with the standards of this Part may request in writing an increase in licensed capacity to the maximum. A decision regarding the increase in capacity shall be rendered within ninety days of receipt of the request. Decisions shall be made in accordance with the amended standards of this Part.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 4212, effective March 1, 2000, for a maximum of 150 days)

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- 1) Heading of the Part: Children's Health Insurance Program
- 2) Code Citation: 89 Ill. Adm. Code 125
- 3) Section Numbers:
125.310 Emergency Action:
125.320 Amendment
 Amendment
- 4) Statutory Authority: Implementing and authorized by the Children's Health Insurance Program Act (215 ILCS 106) and Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/12-13)
- 5) Effective Date: March 1, 2000
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: March 1, 2000
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency amendments comply with a federal directive concerning the exemption of all American Indian (AI) and Alaska Native (AN) children from cost sharing requirements under the KidCare Health Plan (Children's Health Insurance Program, Title XXI). On October 6, 1999, the Health Care Financing Administration (HCFA) issued guidance to states that approval would not be granted for state plans or plan amendments that impose cost sharing on AI/AN children enrolled for health benefits coverage under Title XXI. Federal proposed amendments regarding these changes were published in the Federal Register on November 8, 1999. Subsequently, HCFA indicated that Illinois' Title XXI State Plan amendment concerning KidCare Share and KidCare Premium, currently pending federal approval, will not be approved until the federally specified exemption provisions have been implemented. Therefore, immediate implementation of the cost sharing exemption is necessary to best serve eligible AI/AN children and to protect the interests of KidCare enrollees by safeguarding federal matching funds that benefit the KidCare Health Plan in Illinois.

10) Complete Description of the Subjects and Issues Involved: These emergency amendments respond to a directive from the Health Care Financing Administration (HCFA) concerning cost sharing requirements under the Children's Health Insurance Program (Title XXI). This Program, known as KidCare in Illinois, assists families in obtaining coverage for medical services for their children who are not eligible for coverage under Medicaid. KidCare provides coverage for uninsured children and for children with insurance coverage by subsidizing the cost of privately

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sponsored health insurance. However, these emergency changes do not apply to children with insurance coverage. Current KidCare provisions for children lacking insurance include nominal copayments for providers and premiums, paid to the Department, that are determined on the basis of family size and monthly countable income. According to the HCFA directive, all American Indian and Alaska Native (AI/AN) children are to be exempt from these cost sharing requirements.

On October 6, 1999, HCFA issued guidance to states that approval would not be granted for state plans or plan amendments that impose cost sharing requirements upon families with AI/AN children enrolled for health benefits coverage under Title XXI. Federal proposed amendments regarding these changes were published in the Federal Register on November 8, 1999. The Department responded to HCFA, stating the commitment to seek change in Illinois law to effect compliance with the proposed federal requirements. Subsequently, HCFA indicated that Illinois' Title XXI State Plan amendment concerning KidCare Share and KidCare Premium, currently pending federal approval, would not be approved until the federally specified exemption provisions have been implemented. Therefore, the cost sharing exemption for families with AI/AN children must take immediate effect.

On the basis of declarations of race on KidCare applications, the Department can currently identify 11 AI/AN children that will be affected by this new policy. The estimated annual cost of exempting these children from paying premiums is minimal. Failure to obtain federal approval for the pending State Plan amendment would result in a cost to the State of approximately \$4.4 million in lost federal matching funds.

- 11) Are there any other amendments pending on this Part? No
- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

- 13) Information and questions regarding this amendment shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the emergency amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 125

CHILDREN'S HEALTH INSURANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
125.100 General Description
125.110 Definitions

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section
125.200 Eligibility for Children's Health Insurance Program
125.205 Eligibility Exclusions and Terminations
125.210 Application Process
125.220 Determination of Monthly Countable Income
125.230 Eligibility Determination and Enrollment Process
125.240 Appeals
125.250 Annual Determinations
125.260 Adding Children to and Removing Children from the Program

SUBPART C: KIDCARE HEALTH PLAN

Section
125.300 Covered Services
125.305 Service Exclusions
125.310 Copayments

EMERGENCY

125.320 Premium Requirements

EMERGENCY

125.330 Non-payment of Premium
125.340 Provider Reimbursement

SUBPART D: KIDCARE REBATE

Section
125.400 Minimum Coverage Requirements
125.420 Coverage Verification Process
125.440 KidCare Insurance Rebate

AUTHORITY: Implementing and authorized by the Children's Health Insurance Program Act [215 ILCS 106] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

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SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 15706, effective August 12, 1998, for maximum of 150 days; adopted at 23 Ill. Reg. 543, effective December 24, 1998; emergency amendment at 24 Ill. Reg. ~~4217~~ 4217, effective March 1, 2000, for a maximum of 150 days.

SUBPART C: KIDCARE HEALTH PLAN

Section 125.310 Copayments

EMERGENCY

- a) Copayments may be charged by a health care professional whenever the service is performed in an office or home setting, except for visits scheduled for well-baby care, well-child care or age-appropriate immunizations. Copayments may also be charged by hospitals, once per inpatient admission or outpatient encounter (including the emergency room). No copayment is permitted for visits to health care professionals or hospitals made solely for radiology or laboratory services (including APG Group 2 procedures). Families with an enrolled child who is an American Indian or Alaska Native may not be charged copayments.

b) Copayment requirements are as follows:

- 1) Practitioner office visit:
 - A) Level I copayment: \$2 per visit.
 - B) Level II copayment: \$5 per visit.
- 2) Home health care visit:
 - A) Level I copayment: \$2 per visit.
 - B) Level II copayment: \$5 per visit.
- 3) Inpatient hospitalization:
 - A) Level I copayment: \$2 per admission.
 - B) Level II copayment: \$5 per admission.
- 4) Outpatient encounter (including the emergency room):
 - A) Level I copayment: \$2 per visit.
 - B) Level II copayment: \$5 per visit.
- 5) Prescription drugs:
 - A) Level I copayment: \$2 for a 1-30 day supply on both generic and brand name drugs.
 - B) Level II copayments: \$3 for a 1-30 day supply on generic drugs or \$5 for 1-30 day supply on brand name drugs.
- 6) Nonemergency visit to an emergency room:
 - A) Level I copayments: \$2 per visit.
 - B) Level II copayment: \$25 per visit.
- c) Copayment requirements will be determined based upon the monthly countable income as calculated in Section 125.230.
- d) The maximum out-of-pocket expense a family will incur for copayments during a 12 month eligibility period is \$100.
- e) The family is responsible for submitting receipts, to the Department, documenting the payment of copayments. The Department may return

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partial documentation received on copayments to the family.

f) Upon the Department determining that the copayment cap has been satisfied, the following will occur:

1) A notice stating that the copayment cap has been satisfied, and the date satisfied, will be sent to the family.

2) A message that the copayment cap has been satisfied, and the date satisfied, will be printed on the next monthly identification card.

3) REV will be updated to reflect that the copayment cap has been reached.

g) Providers will be responsible for collecting copayments under the KidCare Health Plan.

h) Providers may elect not to charge copayments. If copayments are charged, the copayment must comply with the requirements in this Section.

i) Providers shall be responsible for refunding to the family copayments they collect after the family has reached the copayment cap.

j) The Department will not require providers to deliver services when copayments will not be paid.

k) Copayment levels will be determined based on family size and monthly countable income as follows:

1) For family size of one:

A) Level I copayment: monthly countable income of \$893 to \$1,006.

B) Level II copayment: monthly countable income of \$1,007 to \$1,241.

2) For family size of two:

A) Level I copayment: monthly countable income of \$1,204 to \$1,356.

B) Level II copayment: monthly countable income of \$1,357 to \$1,673.

3) For family size of three:

A) Level I copayment: monthly countable income of \$1,514 to \$1,706.

B) Level II copayment: monthly countable income of \$1,707 to \$2,104.

4) For family size of four:

A) Level I copayment: monthly countable income of \$1,824 to \$2,056.

B) Level II copayment: monthly countable income of \$2,057 to \$2,536.

5) For family size of five:

A) Level I copayment: monthly countable income of \$2,135 to \$2,406.

B) Level II copayment: monthly countable income of \$2,407 to \$2,968.

6) For family size of six:

A) Level I copayment: monthly countable income of \$2,445 to

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\$2,756.

B) Level II copayment: monthly countable income of \$2,757 to \$3,399.

7) For family size of seven:

A) Level I copayment: monthly countable income of \$2,755 to \$3,106.

B) Level II copayment: monthly countable income of \$3,107 to \$3,831.

8) For family size of eight:

A) Level I copayment: monthly countable income of \$3,066 to \$3,456.

B) Level II copayment: monthly countable income of \$3,457 to \$4,263.

9) For family units of more than eight members, add \$233 for each additional member.

1) The Department will review and update income levels annually to reflect changes in the Federal Poverty Levels.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 4217 effective March 1, 2000, for a maximum of 150 days)

Section 125.320 Premium Requirements

EMERGENCY

a) Premium requirements under the KidCare Health Plan will be determined as follows:

1) For family size of one:

A) No premium required: monthly countable income of \$893 to \$1,006.

B) Premium required: monthly countable income of \$1,007 to \$1,241.

2) For family size of two:

A) No premium required: monthly countable income of \$1,204 to \$1,356.

B) Premium required: monthly countable income of \$1,357 to \$1,673.

3) For family size of three:

A) No premium required: monthly countable income of \$1,514 to \$1,706.

B) Premium required: monthly countable income of \$1,707 to \$2,104.

4) For family size of four:

A) No premium required: monthly countable income of \$1,824 to \$2,056.

B) Premium required: monthly countable income of \$2,057 to \$2,536.

5) For family size of five:

A) No premium required: monthly countable income of \$2,135 to

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- \$2,406.
 B) Premium required: monthly countable income of \$2,407 to \$2,968.
- 6) For family size of six:
 A) No premium required: monthly countable income of \$2,445 to \$2,756.
 B) Premium required: monthly countable income of \$2,757 to \$3,399.
- 7) For family size of seven:
 A) No premium required: monthly countable income of \$2,755 to \$3,106.
 B) Premium required: monthly countable income of \$3,107 to \$3,831.
- 8) For family size of eight:
 A) No premium required: monthly countable income of \$3,066 to \$3,436.
 B) Premium required: monthly countable income of \$3,457 to \$4,263.
- 9) For family units of more than eight members, add \$233 for each additional member.
- b) Premium requirements will be determined based upon the monthly countable income as calculated in Section 125.230.
 c) The premium amounts are \$15 for one child, \$25 for two children and \$30 for three or more children.
 d) Premiums are billed by and payable to the Department, or its authorized agent, on a monthly basis.
 e) The premium due date will be 26 days after the fifth day of the calendar month preceding the month of coverage.
 f) The premium will not change during the eligibility period, unless the family reports a decrease in monthly countable income placing the family in the no premium level or the family adds or removes children from the coverage.
 g) The Department will review and update income levels annually to reflect changes in the Federal Poverty Levels.
 h) No premiums may be charged to families with an enrolled child who is an American Indian or Alaska Native.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 4217.1-2, effective March 1, 2000, for a maximum of 150 days)

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NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code
- 2) Code Citation: 77 Ill. Adm. Code 892
- 3) Section Numbers: Emergency Action:
 892.10 New Section
 892.20 New Section
 892.30 New Section
 892.40 New Section
 892.50 New Section
 892.60 New Section
 892.70 New Section
 892.80 New Section
- 4) Statutory Authority: Illinois Plumbing License Law [225 ILCS 320]
- 5) Effective Date of Emergency Rules: March 1, 2000
- 6) If this Emergency Rule is to Expire Before the End of the 150-Day Period, Please Specify the Date on Which it is to Expire: The emergency amendments will not expire before the end of the 150-day period, unless identical rules published at 24 Ill. Reg. 4223 have been adopted.
- 7) Date filed with the Index Department: March 1, 2000
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency rules are necessary to begin implementation of a new registration program to be administered by the Department of Public Health, Public Act 91-678 (HB 539), which was signed into law on January 26, 2000, requires persons who install lawn sprinkler systems to register with the Department as irrigation contractors and to register their employees who install or supervise the installation of lawn sprinkler systems. The Public Act also requires the registration of all lawn sprinkler systems that are installed in the State after January 26, 2000. In its development of rules, procedures, and forms for the operation of the program the Department sought the input of groups who may have an interest in or will be affected by the registration program, including irrigation contractors and licensed plumbers. There has been substantial interest among irrigation contractors in registering with the Department and beginning their active season of sprinkler system installation as registered contractors in compliance with the change in the law. The Department is prepared to begin accepting and processing registrations as soon as the emergency rules become effective. The Department finds that a threat to the public interest, safety and welfare exists for the adoption

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of these rules to ensure that licensed plumbers supervise the installation of lawn sprinkler systems and make the physical connection between sprinkler systems and backflow prevention devices to prevent contamination of drinking water supplies.

- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking will implement a recent change to the Illinois Plumbing License Law, Public Act 91-678 (HB 539), which was signed into law on January 26, 2000, requires persons who install lawn sprinkler systems to register with the Department as irrigation contractors and to register their employees who install or supervise the installation of lawn sprinkler systems. A registered irrigation contractor is required to employ or contract with a specified number of licensed plumbers, depending on the number of registered irrigation employees working for the contractor. In addition, all lawn sprinkler systems that are installed in the State after January 26, 2000 must be registered with the Department by the irrigation contractor or licensed plumber responsible for the installation. The emergency rules specify procedures for reporting changes in registered irrigation employees; inspection, testing and registration requirements for lawn sprinkler systems; provisions for temporary waiver of the requirement for employment or contract with a licensed plumber; civil penalties for irrigation contractors; and annual registration fees for irrigation contractors. In addition, the rules specify the forms that irrigation contractors should obtain from the Department to complete the registration process.

- 11) Are There Any Proposed Amendments Pending on this Part? No

- 12) Statement of Statewide Policy Objectives: These rules will not require any new expenditures by units of local government.

- 13) Information and Questions Regarding these Emergency Amendments shall be directed to:

Paul Thompson
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-6187

The full text of the Emergency Rules begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: WATER AND SEWAGE

PART 892

LAWN IRRIGATION CONTRACTOR AND LAWN SPRINKLER SYSTEM REGISTRATION CODE

Section 892.10	Definitions
EMERGENCY	
892.20	Registration Requirements for Irrigation Contractors
EMERGENCY	
892.30	Licensed Plumbers Responsible for Installation of Lawn Sprinkler System
EMERGENCY	
892.40	Waiver of Licensed Plumber Requirement
EMERGENCY	
892.50	Inspection, Testing, and Registration of Lawn Sprinkler Systems
EMERGENCY	
892.60	Civil Penalties for Unregistered Irrigation Contractors
EMERGENCY	
892.70	Fees for Irrigation Contractors
EMERGENCY	
892.80	Expiration of Registration Program
EMERGENCY	

AUTHORITY: Authorized by and implementing the Illinois Plumbing License Law [225 ILCS 320].

SOURCE: Emergency rules adopted at 24 Ill. Reg. 42 24, effective March 1, 2000, for a maximum of 150 days.

Section 892.10 Definitions

EMERGENCY

In this Part:

"Installation" means:

fabrication of a lawn sprinkler system using components that include piping, fittings, valves, sprinkler heads, and pumps;

replacement, repair, alteration, or maintenance of lawn sprinkler system components; or

lawn sprinkler system site preparation, including digging, trenching, vibratory plow operation, and final grading.

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"Irrigation contractor" means a person, other than a licensed plumber or licensed apprentice plumber, who installs or supervises the installation of lawn sprinkler systems subject to Section 2.5 of the Illinois Plumbing License Law. (Section 2 of the Law)

"Irrigation employee" means a person, other than a licensed plumber or licensed apprentice plumber, who is employed by an irrigation contractor or a licensed plumber and who installs or supervises the installation of lawn sprinkler systems subject to Section 2.5 of the Illinois Plumbing License Law.

"Law" means the Illinois Plumbing License Law (225 ILCS 320).

"Lawn sprinkler system" means any underground irrigation system of lawn, shrubbery and other vegetation from any potable water sources; and from any water sources, whether or not potable, in any county with a population of 3,000,000; any county with a population of 775,000 or more which is contiguous in whole or in part to a county with a population of 3,000,000 or more; or any county with a population of 37,000 or more but less than 150,000 which is contiguous to 2 or more counties with respective populations in excess of 275,000. "Lawn sprinkler system" includes without limitation the water supply piping, valves, and sprinkler heads or other irrigation outlets, but does not include the backflow prevention device or final connection of the lawn sprinkler system to the backflow prevention device. "Lawn sprinkler system" does not include an irrigation system used primarily for agricultural purposes. "Lawn sprinkler system" does not include extension, relocation, or modification of up to 200 linear yards of an existing lawn sprinkler system installed at a golf course prior to January 26, 2000. (Section 2 of the Law)

Section 892.20 Registration Requirements for Irrigation Contractors

EMERGENCY

- a) Irrigation Contractor Registration. Subject to Section 16.1 of the Law, each irrigation contractor doing business in Illinois shall register annually with the Department. Registration shall be submitted on forms available from the Department and shall include the following information:
 - 1) The irrigation contractor's full name, date of birth, height, weight, home telephone number; business name, full address of the business, business telephone and fax numbers, name of principal, Federal Employer Identification Number (FEIN); whether the business is a sole proprietorship, partnership, or corporation; and the name of the registered agent, if the contractor is a corporation.
 - 2) The names and license numbers of all licensed plumbers that the irrigation contractor employs or with whom the irrigation

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contractor enters into a contract for lawn sprinkler connection and inspection services (see Section 892.40).

3) A licensed plumber who is also in the business of lawn sprinkler system installation shall register annually as an irrigation contractor, if the licensed plumber employs persons other than licensed plumbers or licensed apprentice plumbers to install or provide on-site supervision for the installation of lawn sprinkler systems.

b) Irrigation Employee Registration. Subject to Section 16.1 of the Law, each irrigation contractor doing business in Illinois shall register annually with the Department all irrigation employees who install or provide on-site supervision for the installation of lawn sprinkler systems.

1) Registration shall be submitted on forms available from the Department and shall include each irrigation employee's full name, home address, home phone, date of birth, height, and weight; and the employer's name, business name, address, telephone number, and irrigation contractor registration number.

2) Upon request, the irrigation contractor shall provide to the Department additional business information, including payroll records, time sheets, and W2 forms. The Department may request this information if necessary to determine the irrigation contractor's compliance with the registration requirements of this subsection (b).

c) Registration Expiration and Renewal. All registrations issued under this Section shall expire on February 28 of each year, except initial registrations issued after January 15 shall expire one year after the next February 28. Registration may be renewed for a period of one year from each succeeding March 1 upon submission by the irrigation contractor of new contractor and employee registration forms and fee payment prior to that March 1.

d) Reporting Changes in Registration. Irrigation contractors shall report to the Department when registered irrigation employees are terminated from the contractor's employment and when new employees are hired.

1) The irrigation contractor shall submit a notice of cancellation of employee, accompanied by a nonrefundable \$10 fee, to the Department within 10 days after a registered irrigation employee is terminated. A notice of cancellation is not required for registered employees who are terminated in the period on or after January 31 and before February 28 of the same year.

2) After the contractor's initial or renewal registration has been submitted to the Department, the irrigation contractor shall submit an irrigation employee registration application form to the Department before any additional employees are hired.

3) When the addition of irrigation employees places the irrigation contractor in a category that requires a higher fee and additional licensed plumbers, the irrigation contractor shall

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submit the difference in the fee amount between the 2 categories and the names and license numbers of additional licensed plumbers to the Department. Fee payment and the information required shall be submitted before additional employees are allowed to install lawn sprinkler systems.

Section 892.30 Licensed Plumbers Responsible for Installation of Lawn Sprinkler System EMERGENCY

Irrigation contractors shall employ or enter into a contract with one or more licensed plumbers, who shall be responsible for the installation of every lawn sprinkler system installed after the effective date of this Part, according to the following:

- A licensed plumber shall inspect every sprinkler system installed by an irrigation contractor to ensure that the provisions of the Act have been met and that the system works mechanically.
- A licensed plumber shall make the physical connection between a sprinkler system and a backflow prevention device.
- A licensed plumber shall also make the connection between a lawn sprinkler system and a backflow prevention device at a golf course.

Number of Employees Authorized to Install or Supervise the Installation of Lawn Sprinkler Systems	Number of Licensed Plumbers Employed or Contracted with by Irrigation Contractor
7 or less	at least 1
8 - 12	at least 2
13 - 20	at least 3
21 - 28	at least 4
29 - 35	at least 5
36 or more	at least 6

Section 892.40 Waiver of Licensed Plumber Requirement EMERGENCY

A written request for a temporary waiver shall be submitted to the Department when the number of licensed plumbers employed by the irrigation contractor or with whom the contractor has a contractual agreement for the installation or inspection of lawn sprinkler systems is below the number of licensed plumbers required in Section 892.30.

- The written waiver request shall specify the steps taken by the irrigation contractor to maintain the required number of licensed plumbers. A waiver will not be issued unless the irrigation contractor provides documentation of the steps taken to employ or contract with the required number of licensed plumbers. This information shall include one or more of the following items:

- Copy of advertising by the irrigation contractor soliciting the

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- Copies of letters to unions, trade organizations or other groups that represent plumbers, requesting referral of licensed plumbers to the irrigation contractor.
- Copies of letters to plumbing contractors soliciting the services of licensed plumbers.
- Copies of responses to the irrigation contractor from the organizations and businesses contacted by the irrigation contractor to obtain the services of licensed plumbers.

- The waiver request shall be submitted within 10 days after the number of licensed plumbers goes below the number required for the irrigation contractor, as specified in Section 892.30.
- The Department shall review the waiver request and notify the contractor if approval of the waiver request is issued.
- A temporary waiver shall be granted for a period not to exceed 3 consecutive months after the date the waiver is issued.

- Upon expiration of the initial temporary waiver, the irrigation contractor may apply for an extension of the waiver, which shall not exceed an additional 3 months.
- In no case shall a temporary waiver be granted to an irrigation contractor for more than a total of 6 months in a two-year period.

- In no case shall an irrigation contractor be relieved of the responsibility for ensuring that a licensed plumber shall inspect every sprinkler system installed by an irrigation contractor to ensure that the provisions of the Act have been met and that the system works mechanically. In no case shall an irrigation contractor be relieved of the responsibility for ensuring that a licensed plumber makes the physical connection between a sprinkler system and the backflow prevention device.

- An irrigation contractor to whom a waiver has been issued may request the services of a State plumbing inspector to inspect a lawn irrigation system after installation has been completed. A non-refundable fee of \$250 will be charged for inspection services by a State plumbing inspector.

Section 892.50 Inspection, Testing, and Registration of Lawn Sprinkler Systems EMERGENCY

All lawn sprinkler systems installed in Illinois on or after the effective date of this rulemaking shall be registered with the Department on forms provided by the Department.

- Inspection and Testing of Lawn Sprinkler Systems. Upon completion of installation of a lawn sprinkler system, a licensed plumber representing the irrigation contractor shall inspect and test the system to ensure that the provisions of Section 2.5 of the Law have been met and that the system works mechanically. The property owner or a representative shall witness the inspection and testing. Any

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NOTICE OF EMERGENCY RULES

- defects in the installation determined during the inspection and testing shall be corrected before the test is considered complete.
- b) *No person shall attach to a lawn sprinkler system any fixture intended to supply water for human consumption. No person shall attach to a lawn sprinkler system any fixture other than the backflow prevention device, sprinkler heads, valves, and other parts integral to the operation of the system, unless the fixture is clearly marked as being for non-portable use only.* (Section 2.5(e) of the Law)
- c) Registration of lawn sprinkler systems. The contractor's test certificate provided by the department shall be submitted by the irrigation contractor or licensed plumber responsible for the installation of the lawn sprinkler system within 30 days after completion of the inspection and test and shall include all of the following information:
- 1) Name of owner of property at which lawn sprinkler system is located, address of property, date installation was completed.
 - 2) Information on the installation of lawn sprinklers:
 - A) Make, model, and quantity of sprinklers installed.
 - B) Static pressure.
 - C) Gallons per minute (gpm) per largest zone.
 - D) Water source (public water system, well, other water source, such as a pond).
 - E) Type of pipe used in installation (copper, PVC, polyethylene).
 - F) Manufacturer, type, and size of pump used in installation.
 - G) Type, size, serial number and date inspected of backflow prevention device (RPZ valve) to which the lawn sprinkler system is connected.
 - 3) Name, registration number, and signature of the irrigation contractor or licensed plumber responsible for the installation of the lawn sprinkler system.
 - 4) Name and license number of the licensed plumber responsible for the physical connection between the lawn sprinkler system and the backflow prevention system.
 - 5) Date the lawn sprinkler system was inspected by a licensed plumber to ensure compliance with the Illinois Plumbing License Law [225 ILCS 320] and Illinois Plumbing Code (77 Ill. Adm. Code 890).
 - d) A \$15 nonrefundable registration fee shall be submitted with each registration of a lawn sprinkler system.

Section 892.60 Civil Penalties for Unregistered Irrigation Contractors EMERGENCY

- a) A person who practices, offers to practice, or holds himself or herself out to practice as an irrigation contractor without being registered under the provisions of the Act shall be issued a civil penalty under the following criteria:

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- 1) First Offense
 - A) Where no violations of the Illinois Plumbing Code (77 Ill. Adm. Code 890) are found, the person:
 - i) Shall pay a civil penalty of \$1000.
 - ii) May be referred to the State's Attorney of the County or Attorney General for prosecution under Section 29 of the Act.
 - B) Where violations of the Illinois Plumbing Code are found, the person:
 - i) Shall pay a civil penalty of \$3000. This amount may be reduced to \$1,000 upon the condition that the unregistered person pays for a licensed plumber to correct the violations of the Illinois Plumbing Code. The licensed plumber correcting the violations must be acceptable to the other party to the original contract or agreement.
 - ii) May be referred to the State's Attorney of the County or Attorney General for prosecution under Section 29 of the Act.
- 2) Second Offense
 - A) Where no violations of the Illinois Plumbing Code are found, the person:
 - i) Shall pay a civil penalty of \$3000.
 - ii) May be referred to the State's Attorney of the County or Attorney General for prosecution under Section 29 of the Act.
 - B) Where violations of the Illinois Plumbing Code are found, the person:
 - i) Shall pay a civil penalty of \$5,000. This amount may be reduced to \$3000 upon the condition that the unregistered person pays for a licensed plumber to correct the violations of the Illinois Plumbing Code. The licensed plumber correcting the violations must be acceptable to the other party to the original contract or agreement.
 - ii) May be referred to the State's Attorney of the County or Attorney General for prosecution under Section 29 of the Act.
- 3) Third and Subsequent Offenses. The person:
 - A) Shall pay a civil penalty of \$5000.
 - B) Shall be referred to the State's Attorney of the County or Attorney General for prosecution under Section 29 of the Act.
- b) A registered irrigation contractor, firm, corporation, partnership, or association, who directs, authorizes or allows a person to practice, offer to practice, attempt to practice, or hold himself or herself out to practice as an irrigation employee without being registered under the provisions of the Act, shall be issued a civil penalty under the

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following criteria:

- 1) First Offense. The person:
 - A) Shall pay a civil penalty of \$5000.
 - B) Shall be required to pay for a licensed plumber to correct any violations of the Illinois Plumbing Code. The licensed plumber correcting the violations must be acceptable to the other party to the original contract or agreement.
 - C) Shall have his or her plumbing license suspended.
 - D) May be referred to the State's Attorney of the County or Attorney General for prosecution under Section 29 of the Act.
- 2) Second Offense. The person:
 - A) Shall pay a civil penalty of \$5000.
 - B) Shall be required to pay for a licensed plumber to correct any violations of the Illinois Plumbing Code. The licensed plumber correcting the violations must be acceptable to the other party to the original contract or agreement.
 - C) Shall have his or her plumbing license revoked.
 - D) Shall be referred to the State's Attorney of the County or Attorney General for prosecution under Section 29 of the Act.

Section 892.70 Fees for Irrigation Contractors EMERGENCY

The following non-refundable annual registration fees shall be submitted to the Department by each registered irrigation contractor:

Number of Employees Authorized to Install or Supervise the Installation of Lawn Sprinkler Systems	Annual Fee for Irrigation Contractor Registration
7 or less	\$300
8 - 12	\$600
13 - 20	\$900
21 - 28	\$1200
29 or more	\$1500

Section 892.80 Expiration of Registration Program EMERGENCY

This Part and the registrations issued under this Part are subject to expiration under Section 2.5 of the Law.

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NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: State Toll Highway Rules
- 2) Code Citation: 92 Ill. Adm. Code 2520
- 3) Section Numbers: Emergency Action:

2520.110	Amend
2520.201	Amend
2520.204	Amend
2520.206	Amend
2520.223	Amend
2520.224	Amend
2520.401	Amend
2520.403	Amend
2520.404	Amend
2520.504	Amend
2520.702	Amend
2520.706	Amend
2520.707	Amend
2520.708	Amend
2520.709	Amend
- 4) Statutory Authority: 605 ILCS 10
- 5) Effective Date of Amendments: February 29, 2000
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire. Not Applicable
- 7) Date Filed in Index Department: February 29, 2000
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and available for public inspection.
- 9) Reason for Emergency: The changes to the rules are necessary as a result of the evolution of I-PASS, and to further clarify existing rules. These amendments are submitted for the benefit and welfare of the public.
- 10) A complete description of the Subjects and Issues involved: See Reason for Emergency at (9) above.
- 11) Are there any proposed amendments pending for this Part:

Section Numbers	Proposed Action	Register Citation
2520.223(g)	Amend	24 Ill. Reg. 2644
2520.705	Amend	24 Ill. Reg. 2644

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

12) Statement of Statewide Policy Objectives: These proposed amendments are necessary to incorporate I-PASS, and provide the toll patrons with more understandable rules. The proposed changes do not create or enlarge a state mandate.

13) Information and question regarding this adopted amendment shall be directed to:

Eugene J. Kennelly
Chief Counsel
Illinois State Toll Highway Authority
2700 Ogden Avenue
Downers Grove IL 60515
(630)241-6800

The full text of the emergency amendment begins on the next page:

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER IV: ILLINOIS TOLL HIGHWAY AUTHORITY

PART 2520
STATE TOLL HIGHWAY RULES

SUBPART A: AUTHORITY AND DEFINITIONS

Section
2520.105 Authority
2520.110 Definitions
EMERGENCY

SUBPART B: GENERAL TRAFFIC RULES AND REGULATIONS

Section
2520.200 Illinois Vehicle Code
2520.201 Use of Tollway Prohibited
EMERGENCY

Vehicles and Equipment Which May Be Excepted from Provisions of Section 2520.201
Transportation of Hazardous Materials
Special Usage Toll

EMERGENCY
2520.205 Loading or Unloading of Vehicles
2520.206 Full Stop at All Toll Plazas

EMERGENCY
2520.207 Entering and Leaving the Tollway
2520.208 "U" Turns, Etc.

2520.209 Backing Up of Vehicles
2520.210 Parking, Standing or Stopping
2520.211 Relocating of Vehicles
2520.212 Pushing or Towing of Vehicles

2520.213 Stopping or Halting Vehicles by the Authority
2520.214 Destruction of Authority Property
2520.215 Picnics
2520.216 Aircraft

2520.217 Sale of Goods and Services

2520.218 Solicitation of Rides

2520.219 Loitering or Interfering with Traffic

2520.220 Approaching/Departing a Toll Plaza

2520.221 Compliance with Orders or Directions of State Troopers, Etc.

2520.222 Duty Upon Striking Fixtures, Structures or Other Property on Tollway
2520.223 Payment of Tolls

EMERGENCY

2520.224 Prohibited and Restricted Lanes

EMERGENCY

2520.225 Traffic Control Devices

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2520.226 Penalty for Violation

SUBPART C: TRESPASS

Section

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ILLINOIS STATE TOLL HIGHWAY AUTHORITY

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2520.703 Establishment of the Toll Free Telephone Number

2520.704 Judicial Review

2520.705 Penalties

2520.706 Discovery

2520.707 Administrative Adjudication

2520.708 Duties of Hearing Officer

2520.709 Hearings Format

2520.710 Default - Failure to Appear

2520.711 Enforcement of Final Order

2520.712 Continuance

2520.713 Authority Rulemaking

2520.714 Severability Clause

2520.715

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"Final Notice" means the notice sent by the Authority to the respondent that informs the respondent of a finding of liability of the listed charges that has been entered against the respondent.

"Hazardous Materials" means and includes explosives, radioactive materials, etiologic agents, and other dangerous materials, as defined in Title 18, Sections 831-835, U.S. Code, including flammable liquids.

"Hearing" means a formal hearing conducted by the Authority or appointed Hearing Officer ~~hearing-officer~~, to determine whether a violation of the Toll Highway Act and/or any and all rules and regulations promulgated thereto exists.

"Illinois Vehicle Code" means the Illinois Vehicle Code as set forth in 625 ILCS 5.

"I-PASS" means electronic toll collection.

"I-PASS All Lanes" means that in addition to regular toll collection equipment and toll booths, all lanes are also "I-PASS" equipped.

"I-PASS Only Lanes" means that those lanes are restricted to cars and smaller, and dual wheeled vehicles that have "I-PASS" transponders.

"I-PASS Express Lanes" means that those lanes are restricted to vehicles with "I-PASS" transponders.

"Motor Driven Cycles" means every motorcycle or motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles.

"Oases" means the portions of the Tollway Right-of-Way occupied by restaurants, buildings and service stations, and parking and landscaped areas adjacent thereto.

"Person" means any individual, firm, corporation, cooperative, association, trust, partnership, joint venture or other legally recognized entity.

"Respondent" means any person charged with violating the Toll Highway Act.

"Right-of-Way" means the entire area of the Tollway within the fence lines (or the barrier wall(s), where no fence exists), including but not limited to the roadways, shoulders, structures, landscaped areas, maintenance areas, Oases, toll plaza areas, or any other area under

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the control or jurisdiction of the Authority.

"Toll" means the fixed compensation to be paid to the Authority for the privilege of using the Tollway or any part thereof.

"Toll Highway Act" means 605 ILCS 10 and any rules or regulations promulgated thereto.

"Toll Plaza" means any toll collection facility located upon the Tollway, including manned toll booths and/or automatic toll collection machines.

"Tollway" means any and all toll highways operated and maintained by the Authority pursuant to State and Federal laws as well as any and all intergovernmental agreements by and between the Authority and other governmental entities.

"Traffic Control Devices" means all signs, signals, markings and devices, including but not limited to barricades and traffic cones, placed or erected by the Authority or its agents for the purpose of regulating, warning, or guiding traffic.

"Traffic Lanes" are the lanes designated for vehicular travel on the Tollway which shall be designated numerically with the extreme left lane of each directional roadway being numbered "Lane No. 1", and each lane to the right of Lane No. 1 carrying traffic in the same direction being numbered consecutively.

"Violation" or "Toll Evasion" means one or more acts prohibited by the Toll Highway Act and/or any rules or regulations promulgated thereto relating to the payment or failure to pay tolls.

Any and all terms that are not specifically defined herein shall have the meanings ascribed to them in the Illinois Vehicle Code and the Toll Highway Act.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective February 29, 2000, for a maximum of 150 days)

Section 2520.201 Use of Tollway Prohibited**EMERGENCY**

The following uses of the Tollway, and entry thereon, or on any part of its Right-of-Way are prohibited:

- a) Pedestrians, except at authorized areas at Oases, Toll Plazas and maintenance areas.
- b) Animals led, ridden or driven on the hoof.
- c) Bicycles with or without motors, or motor driven cycles.

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- d) Vehicles transporting animals or poultry not properly secured or confined.
- e) Vehicles with deflated pneumatic tires, metal tires, caterpillar treads, studded tires or tires with chains.
- f) Vehicles with loads improperly secured or vehicles transporting gravel, sand, limestone or like materials apt or capable of being windblown or escaping from the vehicles in any manner unless such load is securely covered.
- g) Farm implements and machinery, whether self-propelled or towed.
- h) Vehicles exceeding the size, weight and load limitations as set out in the Illinois Vehicle Code; provided, however, that, notwithstanding the provisions of said Code, the following vehicles are prohibited, whether or not a special permit has been issued with respect to such vehicles by the Illinois Department of Transportation:

1) Overdimension vehicles:

- A) Vehicles exceeding 10 feet in overall width.
- B) Vehicles exceeding 14 feet 6 inches in height.
- C) Vehicles designed for the carrying of more than 10 persons and exceeding 8 feet 6 inches in width.
- D) Vehicles whose overall length exceeds 100 feet, unless prior written approval for such overdimension vehicles has been obtained from the Authority. Application for such approval shall be in writing and contain the following information:

3) Overdimension vehicles

- A) Vehicles whose overall length exceeds 100 feet unless prior written approval for such overdimension vehicles has been obtained from the Authority--Application for such approval shall be in writing and contain the following information:

- i) An accurate and complete description of the vehicle, including tractor and--trailer license plate number numbers, total number of axles, overall length of the vehicle, and a description of the load; and
- ii) The proposed routes to be used, including the points at which the vehicle is to enter and exit the Tollway; and
- iii) Other information as the Authority may require to determine whether the vehicle is capable of safely traveling on the Tollway and negotiating the entrance and exit ramps which will be used for the specified routes.

E) Nothing herein shall be deemed to require the Authority to issue an overdimension permit for use of the Tollway when the Authority determines, at its discretion, that the vehicle cannot safely or properly travel on the Tollway. Further, the Authority shall not be required to issue an overdimension permit in the event the vehicle load is divisible devisable to an overall length of 100 feet or less; 14 feet 6 inches in height; and/or 10 feet in width.

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- 4) Vehicles--~~designed--for--the carrying of more than 10 persons--and exceeding eight feet six inches in width.~~

5) Overweight Vehicles

A) Vehicles whose weight exceeds the limitations of Section 15-111 of the Illinois Vehicle Code, unless written approval has been obtained from the Authority. An application for such approval shall contain the following information:

- i) An accurate and complete description of the vehicle, including tractor and--trailer license plate number numbers, total number of axles, distance between axles, axle weights, gross weight, and a description of the load; and
- ii) The proposed routes to be used, including the points at which the vehicle will enter and exit ~~leave~~ the Tollway; and
- iii) Other information as the Authority may require to determine whether the vehicle is capable of safely traveling on the Tollway and the entrance and exit ramps which will be used for the specified routes.
- B) Vehicles whose weight exceeds the limitations as set out in Section 15-111 of the Illinois Vehicle Code by not more than 30%, and that have been approved for travel on the Tollway, shall pay a permit fee of \$35-00 to the Authority.
- C) Vehicles whose weight exceeds the limitations of Section 15-111 of the Illinois Vehicle Code by more than 30%, and that have been approved for travel on the Tollway, shall pay a permit fee of \$150-00 to the Authority.
- D) Overweight vehicles paying the permit fees required under this Section shall not be required to pay a Special Usage Toll as set out in Section 2520.204 of this Part.
- E) Nothing herein shall be deemed to require the Authority to issue an overweight permit for use of the Tollway when the Authority determines, in its discretion, that the vehicle cannot safely or properly travel on the Tollway.

- i) Overdimension vehicles, as defined by Chapter 15 Section-15-100-et seq. of the Illinois Vehicle Code and this subsection (h) of--this Section, and vehicles transporting poles, pipes, machinery or other objects of a structural nature which cannot be readily disassembled, shall be allowed on the Tollway only during the period from one-half hour before sunrise to one-half hour after sunset, Monday through Friday, and from one-half hour before sunrise until noon on Saturday, except no such vehicles shall be permitted on the Tollway on the following days:

New Year's Day
Memorial Day
Independence Day
Labor Day

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Thanksgiving Day
Christmas Day

In addition, the above specified vehicles are prohibited from using the Tollway beginning at noon the day preceding the above holidays, or beginning at noon the day preceding such holiday weekend.

- 1) Overweight vehicles which have obtained a permit and are operating within the defined legal dimensions are allowed to travel 24 hours a day, 7 days a week.
 - 2) This restriction does not apply to vehicles transporting overwidth farm equipment, with all other dimensions legal, and not overweight. Further, these vehicles will not be required to purchase a Special Usage Permit, and will be allowed to travel 7 days a week during daylight hours only.
 - j) Vehicles incapable of maintaining a minimum speed of 45 miles per hour on a level grade.
 - k) House trailers, during extreme wind, adverse weather or unusual traffic conditions.
 - l) Convoys, processions or assemblages of more than 10 vehicles without the prior approval of District 15 of the Illinois State Police.
 - m) Vehicles which, in the opinion of State Police sworn personnel or Authority representatives, are in such disrepair, or so poorly equipped or loaded, or are so lacking in equipment as to create a possible hazard to vehicles or persons using the Tollway.
 - n) The issuance of overdimension or overweight approvals, or the approval of convoys by the Authority and/or the State Police, District 15, is not a guarantee of safe travel and shall not relieve any person, corporation, or entity requesting such approval or owning or operating a motor vehicle upon the Tollway, from full and complete liability and responsibility for the condition of the vehicle, and its load and for the actions and inactions of the owners and operators of the vehicles, and for any damage or injury caused by the vehicle or its operation.
- (Source: Amended by emergency rulemaking at 24 Ill. Reg. effective February 29, 2000, for a maximum of 150 days)

Section 2520.204 Special Usage Toll

EMERGENCY

No person shall operate a motor vehicle on the Tollway which exceeds the size and load limitations set forth in Sections 15-100 through 15-107 of the Illinois Vehicle Code without paying the special usage toll as hereinafter provided in this Section, or the overweight permit fees set forth in Section 2520.201(h)(7). All vehicles exceeding 8 feet 6 inches in width or 13 feet 6 inches in height, or 10000 feet in length, shall be required to pay a Special Usage Toll. A Special Usage Toll Permit ("SUP") will be issued on the following terms and conditions:

- a) The SUP Special-Usage-Permit form shall be obtained from the Plaza Supervisor or Collector in Charge of the first manned Toll Plaza

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reached upon entering the Tollway, and all information required by the permit form shall be provided prior to the issuance of the SUP. The vehicle shall not proceed any further on the Tollway unless a permit is issued at the first Toll Plaza reached and the proper Special Usage Toll is paid. The SUP may be issued to permit use only for the specified trip and at the stated time set forth in the SUP Special-Permit-Usage form.

- b) A Special Usage Toll charge of \$15-00 shall be paid for the SUP Special-Usage-Permit, except that the fee for overweight vehicles shall be as set forth in Section 2520.201(h)(5) and such charge or fee shall be in addition to the regular Toll charges for the use of the Tollway, as provided in Section 2520.223.
- c) The SUP must be exhibited at all Toll Plazas during the course of the permitted trip on the Tollway.
- d) Whenever any vehicle is required to have a State permit from the Illinois Department of Transportation for travel on State roadways, such permit must be presented to the Supervisor or Collector in Charge before a SUP can be obtained.
- e) No SUP will be issued for vehicles exceeding the size, weight and load limitations set forth in Section 2520.201.
- f) Any person who shall use or attempt to use the Tollway without proper payment of the Special Usage Toll or fee as required by this Section shall be deemed guilty of a petty offense as prescribed by Section 27-1.100-27-1.1 of the Toll Highway Act.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective February 29, 2000, for a maximum of 150 days)

Section 2520.206 Full Stop at All Toll Plazas

EMERGENCY

Except at designated I-PASS Only and I-PASS Express Lanes, all vehicles must come to a full stop at all Toll Plazas at the time of payment of tolls. When red/green signal lights exist at a Toll Plaza lane, the driver of a vehicle shall not proceed until receiving the green light signal.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective February 29, 2000, for a maximum of 150 days)

Section 2520.223 Payment of Tolls

EMERGENCY

- a) All persons driving vehicles upon the Tollway, except as provided in subsection (b) below, are required to pay the prescribed toll at each Toll Plaza encountered while using the Tollway. Tolls may be paid for in the following manner:

- 1) By currency or change presented to a Toll Collector, or by correct change deposited in the automatic coin machine.

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- 2) By a valid and current charge plate issued by the Authority and presented to the Toll Collector.
- 3) By I-PASS.
- b) Tolls shall not be required of Authority officers and employees while on Authority business, or of public police, public fire or public ambulance vehicles when on emergency business or duty necessitating the use of the Tollway system, and when the vehicle is readily identifiable as such.
- c) Failure to pay the prescribed Toll is subject to punishment as provided in Section 27.1 of the Toll Highway Act.
- d) Any person who shall use or attempt to use any currency or coins other than legal tender of the United States of America, counterfeit, expired, or unauthorized credit cards of any type, or any electronic device or equipment not authorized by the Authority in lieu of or to avoid payment of a Toll shall be deemed guilty of a petty offense and shall be subject to a fine for each such offense, as provided in Section 27.1 of the Toll Highway Act.
- e) Any person, except an authorized Authority employee or agent, who removes any coin from the pavement or from the ground surface within 10 feet of a toll collection booth or machine shall be guilty of a petty offense. This subsection shall not apply to any person who retrieves coins he or she dropped while attempting payment of a Toll.
- f) Whoever wilfully, maliciously and forcibly breaks any mechanical or electronic toll collection device of the Authority or any appearance thereto with intent to commit larceny shall be deemed guilty of a Class 4 felony and subject to fine and/or punishment as provided by the law for such class of crime.
- g) No vehicle shall be driven through a Toll Plaza collection facility without payment of the proper toll. In the event of non-payment of the proper toll, as evidenced by video or electronic recording, the registered owner of such vehicle shall, upon notice to the registered owner by mail or personal service, be liable to make prompt payment to the Authority of the proper toll charge as well as an administrative fee of \$20.00. Upon failure to pay the proper toll and administrative fee to the Authority after notice thereof and within the time designated in the notice, the registered owner shall also be subject to payment of a fine not to exceed \$50.00 for each and every violation of this subsection and any other fine or penalty that may be prescribed by law for such violations. This subsection shall not apply if the driver of the vehicle is fined or otherwise penalized for the same violation under the Illinois Vehicle Code or any other Authority Rule or Regulation regarding failure to pay the prescribed toll.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective February 29, 2000, for a maximum of 150 days)

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Section 2520.224 Prohibited and Restricted Lanes
EMERGENCY

- a) No person driving a vehicle on the Tollway shall pass through any lane designated "DO NOT ENTER", except operators of Authority vehicles, Authority officers or employees, or members of the Illinois State Police, District 15, while driving Authority or State Police vehicles.
- b) Only vehicles equipped with a properly mounted I-PASS transponder may use lanes designated as I-PASS Only or I-PASS Express.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective February 29, 2000, for a maximum of 150 days)

SUBPART D: SPEED RESTRICTIONS

Section 2520.401 Maximum Speed Limits for Passenger Cars
EMERGENCY

The following shall be the maximum speed limits for all passenger cars on the Tollway except as provided by Sections 2520.403 and 2520.404:

- a) Tri-State Tollway (I-294/I-94):
55 miles per hour south of Waukegan Toll Plaza - Plaza 21 (M.P. 73.5).
65 miles per hour north of Waukegan Toll Plaza - Plaza 21 (M.P. 73.5).
- b) Northwest Tollway (I-90):
55 miles per hour east of Randall Road Toll Plaza 9 (M.P. 26.6 25-8).
65 miles per hour west of Randall Road Toll Plaza 9 (M.P. 26.6 25-8).
- c) East-West Tollway (I-88):
55 miles per hour east of Aurora Toll Plaza - Plaza 61 (M.P. 117.7 33-3).
65 miles per hour west of Aurora Toll Plaza - Plaza 61 (M.P. 117.7 33-3).
- d) North-South Tollway (I-355):
55 miles per hour for the entire length.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective February 29, 2000, for a maximum of 150 days)

Section 2520.403 Maximum Speed Limits for Designated I-PASS Lanes, Service Areas, Parking Areas, Access Roads and Ramps
EMERGENCY

- a) The maximum speed limit for I-PASS Only electronic toll collection lanes shall be 30 m.p.h.
- b) The maximum speed limit for I-PASS Express electronic toll collection lanes shall be 55 m.p.h.
- c) The maximum speed limit for all vehicles in service areas, parking areas and access roads shall be 20 m.p.h.
- d) Maximum speed limits for ramps shall be as posted.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective February 29, 2000, for a maximum of 150 days)

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~~the maximum speed limit for all vehicles in service areas, parking areas, and access roads shall be 20 m.p.h. Maximum speed limits for ramps shall be as posted.~~

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 42 34 - effective February 29, 2000, for a maximum of 150 days)

Section 2520.404 Road Hazards and Construction Zones
EMERGENCY

The Authority may temporarily alter and post maximum and minimum speed limits for all vehicles due to road hazards or for construction work. All vehicles shall comply with such posted speed limits in such zones.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 42 34 - effective February 29, 2000, for a maximum of 150 days)

SUBPART E: CONDUCT PROVISIONS

Section 2520.504 Toll Collection Devices - Penalty for Breaking
EMERGENCY

Any person who wilfully, maliciously and forcibly breaks any mechanical or electronic toll collection device of the Authority or any appearance thereto with intent to commit larceny shall be deemed guilty of a Class 4 felony [605 ILCS 10/281].

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 42 34 - effective February 29, 2000, for a maximum of 150 days)

SUBPART G: GENERAL PROVISIONS

Section 2520.702 Notice to Respondent
EMERGENCY

a) The Authority shall give notice to the respondent within one year after the date of the last alleged violation; however, the notice shall exclude those violations occurring more than two years prior to the date of the notice. Once valid notice has been given, nothing herein shall be construed to limit the Authority's rights or remedies. The notice shall be served on respondent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or to the lessee of the cited vehicle at the last address known to the lessor or to the cited vehicle at the time of the lease. The service shall be deemed complete three calendar days after the date of the notice. The notice shall be in the following sequence and shall include but not be limited to the information specified herein:

a. 1) A "Notice of Violation" specifying the date, approximate time and

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location of the violation cited, the particular regulation violated, the State registration number of cited vehicle (if available), the fine, and the amount of any additional fine that may be assessed for late payment, the availability of a hearing in which the violation may be contested on its merits and the manner in which the hearing may be had. Said notice shall also advise the party of the right to view the video surveillance evidence related to the cited violation. The notice shall also state that failure to either pay the indicated fine and any applicable penalty or to request a hearing on the merits will result in a final determination of toll evasion liability in the amount of the fine and/or penalty indicated.

b. 2) A "Notice of Final Determination" shall be sent following a determination of toll evasion liability. The notice shall state that the unpaid fine and/or penalty is a debt owing the Authority. The notice shall contain warnings that failure to pay any fine or penalty due and owing within the time specified may result in the Authority's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered as a judgment as provided by this Section. In addition, the Authority may exercise any other right or remedy allowable under the laws of the State of Illinois. Each and every instance of toll evasion shall be considered an individual violation.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 42 34 - effective February 29, 2000, for a maximum of 150 days)

Section 2520.706 Discovery

Except by the written agreement of all parties, discovery is limited to the following:

a) The respondent will be allowed to schedule an appointment to review any video surveillance evidence prior to the scheduled hearing. Such appointments shall be made during regular business hours of the Authority and shall take place at the Authority's corporate office located at 2700 Ogden Avenue One-Authority-Drive, Downers Grove, Illinois 60515.

b) Written discovery shall be limited to the production of documents and identification of witnesses that each party intends to introduce or call at the hearing. Nothing herein shall impose a duty upon the Authority to serve respondent with any documents that were previously sent to the registered owner of the cited vehicle as recorded with the Illinois Secretary of State by U.S. mail.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 42 34 - effective February 29, 2000, for a maximum of 150 days)

Section 2520.707 Administrative Adjudication
EMERGENCY

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- a) If the respondent fails to pay the assessed fines in the time specified and fails to file a written hearing request in the time specified in the notice, the respondent will be found liable for the alleged violations. In the event that the respondent requests a hearing, the hearing shall be scheduled no less than 30 days but not more than 45 days after the date of the notice. The Authority shall designate a **Hearing Officer hearing-officer** to conduct the hearing. The Authority may designate any person familiar with the law relating to the substance of the hearing as the **Hearing Officer hearing-officer**.
- b) Notice of Hearing - The Authority shall send written notice of the date and time of the hearing to all interested parties to the proceeding. The hearing shall be scheduled during regular business hours and shall be held at the main office of the Authority or at any other location designated by the Authority for such hearings. The Authority may, at its sole discretion, establish a process whereby respondents may contest the charges by mail rather than participating in a hearing.
- c) Contesting Violations by Mail - If the notice allows for the contesting of the alleged violations by mail and the respondent elects to contest the alleged violations by mail, then respondent shall be bound by the determination(s) of the **Hearing Officer hearing-officer** as if the respondent had appeared in person for such hearing.
- d) Minutes of Hearing - No minutes of the hearing shall be required; however, all pleas must be in writing and all determinations of liability must be in writing and must set forth the basis of the finding in sufficient detail as to allow for meaningful review of the finding.
- e) Conduct of Hearing - The **Hearing Officer hearing-officer** shall have full authority to conduct and control the procedure at the hearing. The **Hearing Officer hearing-officer** shall apply a preponderance of the evidence standard to all hearings conducted to determine respondent's liability for the violations alleged in the notice. The **Hearing Officer hearing-officer** shall not be bound by the strict rules of evidence of courts of law and equity.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 4234 effective February 29, 2000, for a maximum of 150 days)

Section 2520.708 Duties of Hearing Officer

EMERGENCY

The powers and duties of the **Hearing Officer hearing-officer** at the hearing include but are not limited to:

- presiding over the hearing;
- explaining the procedures of the hearing to the interested parties;
- administering all oaths and listening to testimony;
- ruling on the admissibility of evidence and permitting parties to

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- present evidence;
- permitting parties to examine and cross examine witnesses; and
- preparing a written report indicating his/her finding and the evidence and reasons supporting the finding.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 4234 effective February 29, 2000, for a maximum of 150 days)

Section 2520.709 Hearings Format

EMERGENCY

- The Authority or the respondent may introduce into evidence, and the **Hearing Officer hearing-officer** may consider, all video surveillance evidence relating to the charged violations regardless of any foundation objections made by the opposing party.
- Any employee of the Authority may present the evidence on behalf of the Authority related to the alleged violation(s). However, in no event shall the **Hearing Officer hearing-officer** be allowed to present any evidence on behalf of the Authority.
- Each party to the hearing may make an opening statement, call, examine and cross examine witnesses, and seek to offer evidence. Evidence may be written or oral.
- Each party may make a closing statement at the conclusion of the hearing.
- The **Hearing Officer hearing-officer** may establish reasonable time limits for each presentation.
- No testimony shall be given or received at the hearing relating to discussions, offers, counter offers, rejections or admissions at any settlement conferences that may have occurred.
- Stipulations - Any written stipulations of the parties may be introduced as evidence at the hearing. Such stipulations shall be introduced at the beginning of the hearing and shall become part of the record of the hearing.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 4234 effective February 29, 2000, for a maximum of 150 days)

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LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.Subpart F, the following water quality criteria have been derived as listed. This listing includes only the waterbodies for which water quality criteria have been used during the period November 1, 1999 through January 31, 2000.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 21 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; and 23 Ill. Reg. 14772, December 27, 1999.

Chemical: Acenaphthene
Acute criterion: 124 ug/l
Date criteria derived: November 14, 1991
Applicable waterbodies:

Not used during this period.

Chemical: Acetone
Acute criterion: 1,530 mg/l
Date criteria derived: May 25, 1993
Applicable waterbodies:

Not used during this period.

Chemical: Acetonitrile
Acute criterion: 375 mg/l
Date criteria derived: December 7, 1993
Applicable waterbodies:

Not used during this period.

Chemical: Acrylonitrile
Acute criterion: 910 ug/l
Human health criterion (HNC): 0.21 ug/l
Date criteria derived: November 13, 1991

CAS #83-32-9
Chronic criterion: 9.9 ug/l

CAS #67-64-1
Chronic criterion: 122 mg/l

CAS #75-05-8
Chronic criterion: 30 mg/l

CAS #107-13-4
Chronic criterion: 73 ug/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies:

Not used during this period.

Chemical: Anthracene
Human health criterion (HNC): 35 mg/l
Date criteria derived: August 18, 1993
Applicable waterbodies:

Not used during this period.

Chemical: Benzene
Acute criterion: 1,300 ug/l
Human health criterion (HNC): 21 ug/l
Date criteria derived: August 15, 1990, revised January 14, 1999
Applicable waterbodies:

Not used during this period.

Chemical: Benzo(a)anthracene
Human health criterion (HNC): 0.01 ug/l
Date criteria derived: August 10, 1993
Applicable waterbodies:

Not used during this period.

Chemical: Benzo(a)pyrene
Human health criterion (HNC): 0.01 ug/l
Date criteria derived: August 10, 1993
Applicable waterbodies:

Not used during this period.

Chemical: Benzo(b)fluoranthene
Human health criterion (HNC): 0.01 ug/l
Date criteria derived: August 10, 1993
Applicable waterbodies:

Not used during this period.

Chemical: Benzo(k)fluoranthene
Human health criterion (HNC): 0.01 ug/l
Date criteria derived: August 10, 1993
Applicable waterbodies:

Not used during this period.

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Chemical: Carbon tetrachloride
 Acute criterion: 3,500 ug/l
 Human health criterion (HNC): 1.4 ug/l
 Date criteria derived: June 18, 1993
 Applicable waterbodies:

Not used during this period.

Chemical: Chlorobenzene
 Acute criterion: 993 ug/l
 Date criteria derived: December 11, 1991
 Applicable waterbodies:

Not used during this period.

Chemical: Chloroform
 Acute criterion: 1,870 ug/l
 Human health criterion (HNC): 130 ug/l
 Date criteria derived: October 26, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: Chrysene
 Human health criterion (HNC): 0.01 ug/l
 Date criteria derived: August 10, 1993
 Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichlorobenzene
 Acute criterion: 210 ug/l
 Date criteria derived: December 1, 1993
 Applicable waterbodies:

Not used during this period.

Chemical: 1,3-dichlorobenzene
 Acute criterion: 500 ug/l
 Date criteria derived: July 31, 1991
 Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichloroethane

CAS #56-23-5
 Chronic criterion: 280 ug/l

CAS #108-90-7
 Chronic criterion: 79 ug/l

CAS #67-66-3
 Chronic criterion: 150 ug/l

CAS #218-01-9

CAS #95-50-1
 Chronic criterion: 16.8 ug/l

CAS #541-73-1
 Chronic criterion: 196 ug/l

CAS #107-06-2

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Acute criterion: 24,900 ug/l
 Human health criterion (HNC): 23 ug/l
 Date criteria derived: March 19, 1992
 Applicable waterbodies:

Chronic criterion: 4,540 ug/l

Not used during this period.

Chemical: 1,1-dichloroethylene
 Acute criterion: 3,030 ug/l
 Human health criterion (HNC): 0.95 ug/l
 Date criteria derived: March 20, 1992
 Applicable waterbodies:

CAS #75-35-4
 Chronic criterion: 242 ug/l

Not used during this period.

Chemical: 2,4-dichlorophenol
 Acute criterion: 631 ug/l
 Date criteria derived: November 14, 1991
 Applicable waterbodies:

CAS #120-83-2
 Chronic criterion: 83.1 ug/l

Not used during this period.

Chemical: 1,2-dichloropropane
 Acute criterion: 4,800 ug/l
 Date criteria derived: December 7, 1993
 Applicable waterbodies:

CAS #78-87-5
 Chronic criterion: 380 ug/l

Not used during this period.

Chemical: 1,3-dichloropropylene
 Acute criterion: 99 ug/l
 Date criteria derived: November 13, 1991
 Applicable waterbodies:

CAS #542-75-6
 Chronic criterion: 7.9 ug/l

Not used during this period.

Chemical: 2,4-dimethyl phenol
 Acute criterion: 740 ug/l
 Date criteria derived: October 26, 1992
 Applicable waterbodies:

CAS #105-67-9
 Chronic criterion: 220 ug/l

Not used during this period.

Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol
 Acute criterion: 28.8 ug/l
 Chronic criterion: 2.3 ug/l

CAS #534-52-1
 Chronic criterion: 2.3 ug/l

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LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: November 14, 1991

Applicable waterbodies:

Not used during this period.

Chemical: 2,4-dinitrophenol

Acute criterion: 85.3 ug/l

Date criteria derived: December 1, 1993

Applicable waterbodies:

Not used during this period.

Chemical: 2,6-dinitrotoluene

Acute criterion: 1,910 ug/l

Date criteria derived: February 14, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Diquat

Acute criterion: 1,330 ug/l

Date criteria derived: January 30, 1996

Applicable waterbodies:

Not used during this period.

Chemical: Ethylbenzene

Acute criterion: 220 ug/l

Date criteria derived: August 15, 1990, revised May 17, 1991

Applicable waterbodies:

05120115-0018/off Gregory Branch

07120004-0007/on Chicago Sanitary Ship Canal

07120004-0019/off West Branch DuPage River

07120004-0033/off Willow Creek

07130001-0030/on Illinois River

07130003-0018/on Illinois River

07130011-1315/off VanWinkle Branch

07140106-0067/off Little Crab Orchard Creek

Chemical: Fluoranthene

Human health criterion (HHC): 120 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Hexachlorobenzene

Human health criterion (HNC): 0.00025 ug/l

Date criteria derived: November 15, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Hexachlorobutadiene

Acute criterion: 34.5 ug/l

Date criteria derived: March 23, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Hexachloroethane

Acute criterion: 381 ug/l

Human health criterion (HNC): 2.9 ug/l

Date criteria derived: November 15, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Isobutyl alcohol = 2-methyl-1-propanol

Acute criterion: 434 mg/l

Date criteria derived: December 1, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Methylene chloride

Acute criterion: 17,200 ug/l

Human health criterion (HNC): 340 ug/l

Date criteria derived: January 21, 1992

Applicable waterbodies:

Not used during this period.

Chemical: Methyleneketone

Acute criterion: 322,000 ug/l

Date criteria derived: July 1, 1992

Applicable waterbodies:

Not used during this period.

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Chemical: 4-methyl-2-pentanone
 Acute criterion: 46 mg/l
 Chronic criterion: 3.68 mg/l
 Date criteria derived: January 13, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: 2-methyl phenol
 Acute criterion: 4.7 mg/l
 Chronic criterion: 0.37 mg/l
 Date criteria derived: November 8, 1993
 Applicable waterbodies:

Not used during this period.

Chemical: 4-methyl phenol
 Acute criterion: 670 mg/l
 Chronic criterion: 120 mg/l
 Date criteria derived: January 13, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: Naphthalene
 Acute criterion: 670 mg/l
 Chronic criterion: 68 ug/l
 Date criteria derived: November 7, 1991
 Applicable waterbodies:

Not used during this period.

Chemical: 4-nitroaniline
 Acute criterion: 1.5 mg/l
 Chronic criterion: 0.12 mg/l
 Date criteria derived: May 5, 1996
 Applicable waterbodies:

Not used during this period.

Chemical: Nitrobenzene
 Acute criterion: 15.4 mg/l
 Chronic criterion: 4.67 mg/l
 Human health criterion (HTC): 0.52 mg/l
 Date criteria derived: February 14, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: Pentachlorophenol
 Acute criterion: 20 ug/l
 Chronic criterion: 13 ug/l
 Date criteria derived: national criterion, September 1986

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LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies:

Not used during this period.

Chemical: Phenanthrene
 Acute criterion: 46 ug/l
 Chronic criterion: 3.7 ug/l
 Date criteria derived: October 26, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: Pyrene
 Human health criterion (HTC): 3,500 ug/l
 Date criteria derived: December 22, 1992
 Applicable waterbodies:

CAS #120-00-0

Not used during this period.

Chemical: Tetrachloroethylene
 Acute criterion: 1,220 ug/l
 Chronic criterion: 152 ug/l
 Date criteria derived: March 23, 1992
 Applicable waterbodies:

CAS #127-18-4

Not used during this period.

Chemical: Tetrahydrofuran
 Acute criterion: 216,000 ug/l
 Chronic criterion: 17,300 ug/l
 Date criteria derived: March 16, 1992
 Applicable waterbodies:

CAS #109-99-9

Not used during this period.

Chemical: Toluene
 Acute criterion: 1,300 ug/l
 Chronic criterion: 110 ug/l
 Date criteria derived: August 16, 1990, revised May 17, 1991, January 26, 1993
 and January 14, 1999
 Applicable waterbodies:

CAS #108-88-3

05120115-0018/off Gregory Branch
 07120004-0007/on Chicago Sanitary Ship Canal
 07120004-0019/off West Branch DuPage River
 07120004-0033/off Willow Creek
 07130001-0030/on Illinois River
 07130003-0018/on Illinois River
 07130011-1315/off VanWinkle Branch
 07140106-0067/off Little Crab Orchard Creek

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 1,2,4-trichlorobenzene CAS #120-82-1
Acute criterion: 353 ug/l Chronic criterion: 69.2 ug/l
Date criteria derived: December 14, 1993
Applicable waterbodies:

Not used during this period.

Chemical: 1,1,1-trichloroethane CAS #71-55-6
Acute criterion: 4,910 ug/l Chronic criterion: 393 ug/l
Date criteria derived: October 26, 1992
Applicable waterbodies:

Not used during this period.

Chemical: 1,1,2-trichloroethane CAS #79-00-5
Acute criterion: 19,000 ug/l Chronic criterion: 3,540 ug/l
Human health criterion (HMC): 12 ug/l
Date criteria derived: December 13, 1993
Applicable waterbodies:

Not used during this period.

Chemical: Trichloroethylene CAS #79-01-6
Acute criterion: 11,700 ug/l Chronic criterion: 940 ug/l
Date criteria derived: October 23, 1992
Applicable waterbodies:

Not used during this period.

Chemical: Xylenes CAS # 1330-20-7
Acute criterion: 1,500 ug/l Chronic criterion: 120 ug/l
Date criteria derived: August 23, 1990, revised January 14, 1999
Applicable waterbodies:

05120115-0018/off Gregory Branch
07120004-0007/on Chicago Sanitary Ship Canal
07120004-0019/off West Branch DuPage River
07120004-0033/off Willow Creek
07130001-0030/on Illinois River
07130003-0018/on Illinois River
07130011-1315/off VanWinkle Branch
07140106-0067/off Little Crab Orchard Creek

ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

contact:

Bob Wosher
Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

DEPARTMENT OF CORRECTIONS
JANUARY 2000 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Chaplaincy Services and Religious Practices, 20 Ill. Adm. Code 425

1) Rulemaking:

- A) Description: This rulemaking will update procedures regarding religious practices.
- B) Statutory Authority: 730 ILCS 5/3-2-2
- C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2000.
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Patricia Lubben, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
(217) 522-2666, extension 6507

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Security, 20 Ill. Adm. Code 501, Security

1) Rulemaking:

- A) Description: This rulemaking will update security procedures, including restraint procedures for pregnant inmates in accordance with 730 ILCS 125/17.5.
- B) Statutory Authority: 730 ILCS 5/3-2-2
- C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

DEPARTMENT OF CORRECTIONS
JANUARY 2000 REGULATORY AGENDA

- D) Date agency anticipates First Notice: On or before July 1, 2000.

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Patricia Lubben, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
(217) 522-2666, extension 6507

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Classification and Transfers, 20 Ill. Adm. Code 503

1) Rulemaking:

- A) Description: This rulemaking will update rules regarding classification and transfers of committed person to be non-gender specific and to delete references to the Menard Psychiatric Center. The psychiatric center has been moved to Dixon.

- B) Statutory Authority: 730 ILCS 5/3-2-2

- C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.

- D) Date agency anticipates First Notice: On or before 1/1/2000

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Patricia Lubben, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
(217) 522-2666, extension 6507

DEPARTMENT OF CORRECTIONS

JANUARY 2000 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF INSURANCE

JANUARY 2000 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Illinois Insurance Exchange Annual Statement, 50 Ill. Adm. Code 551

1) Rulemaking:

A) Description: This Part will be repealed because the regulation has become obsolete.

B) Statutory Authority: lease see P.A. 90-499.

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: July 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jim Hanson
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 782-6284

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Uniform Accounting Instructions for Fire and Marine and Casualty and Surety Insurers, 50 Ill. Adm. Code 903

1) Rulemaking:

A) Description: This Part will be repealed because the regulation has become obsolete.

B) Statutory Authority: Please see P.A. 91-549

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: July 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

DEPARTMENT OF INSURANCE

JANUARY 2000 REGULATORY AGENDA

Name: Jim Hanson
 Address: Department of Insurance
 320 West Washington Street
 Fourth Floor
 Springfield, Illinois 62767-0001
 Telephone: (217) 782-6284

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Internal Security Stand and Fidelity Bonds, 50 Ill. Adm. Code 904

1) Rulemaking:

A) Description: These amendments will raise dollar limits for dual signature requirements, accommodate electronic signatures and review and revise fidelity bond requirements.

B) Statutory Authority: [215 ILCS 5/401].

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: July 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jim Hanson
 Address: Department of Insurance
 320 West Washington Street
 Fourth Floor
 Springfield, Illinois 62767-0001
 Telephone: (217) 782-6284

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Unearned Premium Reserve Calculation, 50 Ill. Adm. Code 911

1) Rulemaking:

A) Description: This Part will be repealed because the regulation has become obsolete.

B) Statutory Authority: Please see P.A. 91-549.

C) Schedule meeting/hearing date: None

DEPARTMENT OF INSURANCE

JANUARY 2000 REGULATORY AGENDA

D) Date agency anticipates First Notice: July 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jim Hanson
 Address: Department of Insurance
 320 West Washington Street
 Fourth Floor
 Springfield, Illinois 62767-0001
 Telephone: (217) 782-6284

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Commission Accounting for Direct Premium, 50 Ill. Adm. Code 912

1) Rulemaking:

A) Description: This Part will be repealed because the regulation has become obsolete.

B) Statutory Authority: Please see P.A. 91-549.

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: July 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jim Hanson
 Address: Department of Insurance
 320 West Washington Street
 Fourth Floor
 Springfield, Illinois 62767-0001
 Telephone: (217) 782-6284

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Retrospective Compensation Agreements, 50 Ill. Adm. Code 922

1) Rulemaking:

DEPARTMENT OF INSURANCE

JANUARY 2000 REGULATORY AGENDA

A) Description: This Part will be repealed because the regulation has become obsolete.

B) Statutory Authority: Please see P.A. 91-549.

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: July 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jim Hanson
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 782-6284

G) Related rulemakings and other pertinent information: None

9) Part(s) (Heading and Code Citation): Ceded Reinsurance of Property and Casualty Insurers, 50 Ill. Adm. Code 923

1) Rulemaking:

A) Description: This Part will be repealed because the regulation has become obsolete.

B) Statutory Authority: Please see P.A. 91-549.

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: July 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jim Hanson
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 782-6284

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF INSURANCE

JANUARY 2000 REGULATORY AGENDA

h) Part(s) (Heading and Code Citation): Credit Life and Credit Accident and Health Insurance, 50 Ill. Adm. Code 951

1) Rulemaking:

A) Description: Section 951.50 will be amended to make it consistent with the provisions of 50 Ill. Adm. Code 1405.40(p)(2).

B) Statutory Authority: [215 ILCS 5/155.57 and 155.62].

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: November, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Gary Brooks
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 785-6441

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Security Valuation Reserve, 50 Ill. Adm. Code 1702

1) Rulemaking:

A) Description: This Part will be repealed because the regulation has become obsolete.

B) Statutory Authority: Please see P.A. 91-549.

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: July 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

DEPARTMENT OF INSURANCE

JANUARY 2000 REGULATORY AGENDA

Name: Jim Hanson
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 782-6284

G) Related rulemakings and other pertinent information: None

J) Part(s) (Heading and Code Citation): Minimum Standards of Individual Accident and Health Insurance, 50 Ill. Adm. Code 2007

1) Rulemaking:

A) Description: This Part will be amended to include provisions which will allow the Department to review first diagnosis and critical illness policies for cancer benefits.

B) Statutory Authority: [215 ILCS 5/140].

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: July 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Cindy Coloniuss
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 524-0663

G) Related rulemakings and other pertinent information: None

K) Part(s) (Heading and Code Citation): Minimum Standards for Individual and Group Medicare Supplement Insurance, 50 Ill. Adm. Code 2008

1) Rulemaking:

A) Description: Amendments will be made to bring this Part into compliance with Federal requirements for those individuals who may have changed their Medicare Supplement coverage from RMO coverage to Medicare Supplement coverage.

B) Statutory Authority: [215 ILCS 5/363, 363a and 401].

DEPARTMENT OF INSURANCE

JANUARY 2000 REGULATORY AGENDA

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: July 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Linda Fritz or Charles Budinger
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 785-7350 or (217) 782-4572

G) Related rulemakings and other pertinent information: None

1) Part(s) (Heading and Code Citation): Traditional Long-Term Care Insurance, 50 Ill. Adm. Code 2012

1) Rulemaking:

A) Description: Amendments will be made to bring this Part into compliance with Federal HIPAA requirements for tax-qualified long-term care insurance contracts.

B) Statutory Authority: [215 ILCS 5/351A-11].

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: Prior to July 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Linda Fritz or Mary Jane Chestnut
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 785-7350 or (217) 782-5226

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Internal Security Stand and Fidelity Bond, 50 Ill. Adm. Code 5460

DEPARTMENT OF INSURANCE

JANUARY 2000 REGULATORY AGENDA

1) Rulemaking:

A) Description: These amendments will raise dollar limits for dual signature requirements, accommodate electronic signatures and review and revise fidelity bond requirement.

B) Statutory Authority: [215 ILCS 5/401].

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: July 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jim Hanson
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 782-6284

G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Managed Care Reform & Patient Rights, 50 Ill. Adm. Code 5420

1) Rulemaking:

A) Description: Requires each person conducting utilization programs in this State, to register such program with the Department once every two years. Establishes registration standards, ensures confidentiality of patient records, facilitates appeals of adverse utilization review determinations and defines registration fees which are to be paid to and collected by the Department.

B) Statutory Authority: Please see P.A. 91-617.

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: March, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: No direct effect. Incidental effect could include an increase in premiums for health care coverage costs.

DEPARTMENT OF INSURANCE

JANUARY 2000 REGULATORY AGENDA

F) Agency contact person for information:

Name: John Morrison
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 524-4051

G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): Timely Payment for Health Care Services, 50 Ill. Adm. Code 5423

1) Rulemaking:

A) Description: Requires insurers, health maintenance organizations (HMOs), managed care plans, health care plans, preferred providers organizations (PPOs), third party administrators (TPAs), independent practice associations (IPAs) and physician-hospital organizations (PHOs) to reimburse health care providers on a timely basis for periodic payments and health care claims. Establishes minimum definitions and sets forth the Department's authority over IPAs and PHOs.

B) Statutory Authority: Please see P.A. 91-605.

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: March 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: David Grant
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 782-6369

G) Related rulemakings and other pertinent information: None

p) Part(s) (Heading and Code Citation): Dental Care Patient Protection Act, 50 Ill. Adm. Code 5425

1) Rulemaking:

DEPARTMENT OF INSURANCE

JANUARY 2000 REGULATORY AGENDA

A) Description: The Dental Care Patient Protection Act grants regulatory authority to the Department for the regulation of managed health care plans who establish, operate, or maintain a network of dentists that have entered into agreements with the plan to provide health care services. The proposed Rule would frame minimum and appropriate guidelines for the establishment of an advisory committee to provide the Department advice and counsel regarding managed care issues; the provision of information about a plan relating to its operations; credentialing of dentists; utilization review procedures; provider input into plan operations; continuity of care; establishment of grievance procedures; regulation of point of service products, form and content of description of coverage disclosure guides; disclosure and distribution of complaint summary data; and a complaint review, investigation and record keeping process to be coordinated between the Department and the Illinois Department of Public Health.

B) Statutory Authority: Please see P.A. 91-355.

C) Schedule meeting/hearing date: None

D) Date agency anticipates First Notice: April, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: Some increase in dental plan rates are expected because of costs associated with expanded access to dental services as well as compliance measures for establishing and implementing required disclosure and benefit standards.

F) Agency contact person for information:

Name: David Grant
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 782-6369

G) Related rulemakings and other pertinent information: None
(Footnote Continued)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 29, 2000 through March 6, 2000 and have been scheduled for review by the Committee at its April 11, 2000 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/14/00	Department of Agriculture, Illinois Pesticide Act (8 Ill Adm Code 250)	1/7/00 24 Ill Reg 187	4/11/00 24 Ill Reg
4/14/00	Department of Natural Resources, White-Tailed Deer Hunting by Use of Firearms (17 Ill Adm Code 650)	1/14/00 24 Ill Reg 456	4/11/00
4/14/00	Department of Natural Resources, White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill Adm Code 660)	1/14/00 24 Ill Reg 471	4/11/00
4/15/00	Department of Labor, Day Labor Services Act (56 Ill Adm Code 260)	11/19/99 23 Ill Reg 13769	4/11/00 24 Ill Reg
4/15/00	State Employees' Retirement System, The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill Adm Code 1540)	1/3/00 24 Ill Reg 46	4/11/00
4/16/00	State Board of Education, Private Business and Vocational Schools (23 Ill Adm Code 451)	12/3/99 23 Ill Reg 14079	4/11/00
4/16/00	State Board of Education, Scientific Literacy (23 Ill Adm Code 220)	12/10/99 24 Ill Reg 14167	4/11/00
4/16/00	Department of Natural Resources, White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill Adm Code 670)	1/14/00 24 Ill Reg 446	4/11/00

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

4/16/00	Department of Public Health, Visa Waiver Program for International Medical Graduates (77 Ill Adm Code 591)	1/14/00 24 Ill Reg 482	4/11/00
4/19/00	Guardianship and Advocacy Commission, Legal Advocacy Service (59 Ill Adm Code 350)	1/3/00 24 Ill Reg 12	4/11/00

2000-2
Executive Order Establishing a Universal Certification Process and Certification Advisory Board

WHEREAS, it is important to the State of Illinois that businesses owned and controlled by minorities, females and persons with disabilities fully participate in the State and local government procurement processes; and WHEREAS, the State of Illinois and certain local governments have established procedures to identify such businesses and to certify them as qualified for targeted programs; and

WHEREAS, the multiple and different programs of certification have caused unnecessary confusion and administrative burdens resulting in a barrier to entry into the government procurement process;

THEREFORE, I, George H. Ryan, order the following:

I. There shall be a Certification Advisory Board. It shall consist of the Executive Director of the Capital Development Board, the Director of the Department of Central Management Services, the Director of the Department of Commerce and Community Affairs, the Secretary of the Department of Transportation, a designee from the Governor's Office and five members from outside state government to be appointed by the Governor.

The Board shall study and hear concerns regarding the various certification processes including, but not limited to, the forms used and information required. It shall make ongoing recommendations for improving the process with particular emphasis on how to achieve universal or reciprocal certification among the various certifying entities in the state.

Members of the Board shall serve without compensation, but may be reimbursed for expenses.

The Certification Advisory Board shall meet on a schedule determined by the Board.

II. The Business Enterprise Council for Minorities, Females and Persons with Disabilities (Council), under the program administered by the Department of Central Management Services (DCMS), and the Department of Transportation (IDOT) are the State agencies that certify businesses. I am ordering that these agencies immediately take the following steps to help make their certification processes more efficient and less burdensome:

a. The State shall contact all applicants seeking certification within 60 days of receipt of the application, and shall grant certification, deny certification, or request additional or clarifying information necessary to make the certification decision.

b. IDOT shall, in consultation with DCMS on behalf of the Council, study the universal certification application form used by the Council. Within 60 days of the effective date of this Order, IDOT shall develop a supplement to the universal form that addresses federal requirements. The purpose of this supplement is to allow

companies to make use of the universal form rather than having to complete a separate form for the IDOT program.

c. IDOT shall consult with the United States Department of Transportation (USDOT) in order to determine whether certifications Illinois local governmental units with USDOT approved programs may be accepted by IDOT. IDOT shall accept those certifications if authorized by USDOT. If not so authorized, IDOT shall report to the Advisory Board and work toward overcoming those barriers to acceptance.

d. DCMS, on behalf of the Council, shall consult with the various Illinois local governmental units and private entities that have certification programs. DCMS shall determine whether the certification programs of those entities meet State law requirements. DCMS shall accept certifications made under such programs that meet State law requirements. In regard to programs that do not meet State law requirements, DCMS shall identify the differences and, where possible, take administrative action to cure the deficiencies. DCMS will also determine why local governments do not accept the State certifications and work with those certifying entities to resolve differences. DCMS shall report to the Advisory Board any barriers to acceptance that could not be resolved by administrative means and work towards overcoming those barriers. This Executive Order Number 2 (2000) shall take effect upon filing with the Secretary of State.

Issued by the Governor February 18, 2000.

Filed with the Secretary of State February 18, 2000.

2000-3

EXECUTIVE ORDER REASSIGNING FUNCTIONS PERTAINING TO ADMINISTRATION OF ILLINOIS' JOB TRAINING PARTNERSHIP ACT, WORKFORCE INVESTMENT ACT AND WELFARE-TO-WORK PROGRAMS

WHEREAS, improving Illinois' system of workforce development is a primary goal of State Government; and

WHEREAS, the current system has significant accomplishments to its credit. The State's network of Illinois Employment and Training Centers (IETC's) - full-service, community based facilities to link employers with qualified job-seekers - has provided a sturdy foundation for Illinois' implementation of the Federal Workforce Investment Act (WIA); and

WHEREAS, the IETC network has significantly reduced fragmentation and duplication of effort at the local level, by housing under one roof, programs including JTPA/WIA, the Illinois Employment Service, unemployment insurance, and labor market and career information; and

WHEREAS, it is time for State government to follow this successful local example; and

WHEREAS, a strong partnership already exists at the state level between the Department of Commerce and Community Affairs (DCCA), which is responsible for JTPA/WIA, and the Illinois Department of Employment Security (IDES), which

is responsible for the Employment Service, the unemployment insurance program and many labor market information programs; and

WHEREAS, I am strongly committed to a workforce development system that works more efficiently and more effectively.

THEREFORE, pursuant to the power vested in me by Article V, Section 11 of the Illinois Constitution, I, George H. Ryan, Governor of Illinois, hereby order the following:

I. TRANSFER

All the powers, duties, rights and responsibilities vested in the Department of Commerce and Community Affairs with respect to the administration of the federal Job Training Partnership Act, the federal Worker Adjustment and Retraining Notification Act, the federal Workforce Investment Act of 1998 and the welfare-to-work grant program established under Section 403(a)(5) of the federal Social Security Act, including but not limited to those not vested by statute, and all liabilities arising therefrom are transferred to the Illinois Department of Employment Security. The statutory powers, duties, rights, responsibilities and liabilities derive from the following named statutory provisions:

1) Sections 605-805, 605-820 and 605-825 and subsection (g) of Section 605-800 and item (K) of paragraph (1) of Section 605-400 of the Department of Commerce and Community Affairs Law (20 ILCS 605/605-400(1)(K), 605-800(g), 605-805, 605-820 and 605-825);

2) The Illinois Emergency Employment Development Act (20 ILCS 30);

3) Subsection (b) of Section 3 of the Illinois Human Resource Investment Council Act as it pertains to responsibilities for administering the federal Job Training Partnership Act (20 ILCS 3975/3(b)); The Director of the Department of Commerce and Community Affairs shall remain a member of the Illinois Workforce Investment Board / HRIIC;

4) Paragraph (3) of subsection (g) of Section 201 of the Illinois Income Tax Act (35 ILCS 5/201);

5) The High Risk Youth Career Development Act (325 ILCS 25);

6) Subparagraphs (b) and (d) of paragraph (6) of subsection (B) of Section 2-105 of the Illinois Human Rights Act (775 ILCS 5/2-105).

These changes are effective July 1, 2000.

II. EFFECT OF TRANSFER

A. Personnel in the Department of Commerce and Community Affairs who are assigned to programs transferred by this Executive Order are transferred to the Illinois Department of Employment Security. The rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order.

B. All books, records, papers, documents, property (real and personal), contracts, unexpended appropriations and pending business pertaining to the powers, duties, rights and responsibilities transferred by this Executive Order from the Department of Commerce and Community Affairs to the Illinois Department of Employment Security, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered and transferred to the Illinois Department of Employment Security. The Department of Commerce and Community Affairs and Illinois Department of Employment Security shall be working in cooperation for the final closeout of the program established under the federal Job Training Partnership Act and any and all audits of the program, including any following the closeout.

These changes are effective July 1, 2000.

III. SAVINGS CLAUSE

A. The powers, duties, rights and responsibilities transferred to or retained by the Illinois Department of Employment Security by this Executive Order shall be vested in and shall be exercised by the Illinois Department of Employment Security. Each act done in the exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Department of Commerce and Community Affairs, its divisions, officers or employees.

B. Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as if such powers, duties, rights and responsibilities had been exercised by the Department of Commerce and Community Affairs, its divisions, officers or employees.

C. Every officer of the Illinois Department of Employment Security shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.

D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Department of Commerce and Community Affairs in connection with any of the functions transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Illinois Department of Employment Security.

E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause before this Executive Order takes effect, but such actions or proceedings may be prosecuted and continued by the Illinois Department of Employment Security.

F. Any rules of the Department of Commerce and Community Affairs regarding any of the programs transferred by this Executive Order that are in force on the effective date of this Executive Order and that have been duly adopted by the Department shall become the rules of the Illinois Department of Employment Security. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the Department of Commerce and Community Affairs regarding any of the functions transferred by this Executive Order that are pending in the rulemaking process on the effective date of this Executive Order shall be deemed to have been filed by the Illinois Department of Employment Security. As soon as practicable hereafter, the Illinois Department of Employment Security shall revise and clarify the rules transferred to or retained by it under this Executive Order to reflect the reorganization of powers, duties, rights and responsibilities effected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Illinois Department of Employment Security may propose and adopt under the Illinois Administrative Procedure Act such other rules as may be necessary to consolidate and clarify the rules of the Department of Commerce and Community Affairs that will now be administered by the Illinois Department of Employment Security.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE

This Executive Order shall become effective on the 61st day after its delivery to the General Assembly.
Issued by the Governor February 24, 2000.
Filed with the Secretary of State February 24, 2000.

PROCLAMATIONS

2000-51

POLISH NATIONAL ALLIANCE DAY

WHEREAS, on February 15, 2000, the Polish National Alliance of the United States observes the 120th anniversary of its founding in Philadelphia and subsequent establishment of its home office in Chicago; and

WHEREAS, through dedicated and exemplary services, this organization grew from its initial 143 members to the present membership of more than 250,000 with assets of 305 million and presently occupies the position of the largest ethnic fraternal organization in the United States; and

WHEREAS, among the founding lodges of the Polish National Alliance were societies of the early Polish settlers in Chicago such as Gmina Polska which was founded in 1866, Harmony which was founded in 1879, and other societal units; and

WHEREAS, through the wide spectrum of its fraternal, civic, socio-cultural, and economic activities, the Polish National Alliance contributed significantly to the growth and development of the State of Illinois and the City of Chicago; and

WHEREAS, one of its distinguished members, John F. Smolksi, was elected State Treasurer in 1906, bringing certain beneficial reforms to that office and, as a financial expert and bank organizer, contributed significantly to the economic development of our state; and

WHEREAS, through its official publication, the Bi-Monthly Zgoda, founded in 1881 in New York and transferred to Chicago in 1882, and also through its daily publication, the Dziennik Zwiazkowy, which has been published since 1908, the organization has enhanced the quality of American life with the best values of Polish tradition and culture and throughout decades advocated the concept of ethnicity as a vital ingredient in the immensely rich and diversified culture of Pluralism in our society;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 15, 2000, as POLISH NATIONAL ALLIANCE DAY in Illinois and ask our citizens to join the members of this organization in the observance of this 120th anniversary.

Issued by the Governor February 8, 2000.

Filed by the Secretary of State February 25, 2000.

2000-52

GARDEN WEEK

WHEREAS, the Garden Clubs of Illinois, in cooperation with the National Council of State Garden Clubs, is promoting National Garden Week in Illinois; and

WHEREAS, Garden Week involves setting aside a special week to strengthen communities by encouraging citizens of all ages to work toward common goals; and

WHEREAS, among Garden Week activities are educational programs, environmental cleanup, community beautification, flower shows, garden walks, youth activities and workshops; and

WHEREAS, the Garden Clubs of Illinois is a non-profit organization with more than 9,000 members and 250 clubs throughout Illinois; and

WHEREAS, the members are concerned citizens willing to devote their time and talents to the conservation, preservation, and beautification of our state's natural treasures and to expand and share our knowledge for the betterment of the environment;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 4-10, 2000, as GARDEN WEEK in Illinois.

Issued by the Governor February 15, 2000.

Filed by the Secretary of State February 25, 2000.

2000-53

I.C.O.N.S. DAY

WHEREAS, the I.C.O.N.S. (International Council on Nutrition Solutions) Foundation in an organization within the foodservice and hospitality industries that is focused on promoting wellness and healthy lifestyles through consumer education; and

WHEREAS, the I.C.O.N.S. Foundation will recognize individuals in the foodservice and hospitality industries who have made significant contributions to the nutrition awareness campaign for healthy Americans; and

WHEREAS, the Junior Chef of Chicago for 2000 will be given recognition at this event; and

WHEREAS, the I.C.O.N.S. Foundation will host its 3rd Annual Awards Dinner on Saturday, February 19, 2000, at the Chicago Hilton and Towers;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 19, 2000, as I.C.O.N.S. DAY in Illinois.

Issued by the Governor February 15, 2000.

Filed by the Secretary of State February 25, 2000.

2000-54

IHCA WEEK

WHEREAS, the Illinois Health Care Association (IHCA) was founded in 1950;

and WHEREAS, the purpose of IHCA is to promote excellence in standards of care in long-term health care facilities and programs by exchange of information between its members, other community agencies, professional personnel, and the general public; and

WHEREAS, a resource to long-term care professionals, IHCA promotes better care of patients and the development of solutions to problems which are common to the members of the Association; and

WHEREAS, IHCA is the largest professional trade association representing long-term care facilities and programs in Illinois; and

WHEREAS, IHCA is recognized as a leader providing opportunities for professional development and personal growth; and

WHEREAS, the members of IHCA are meeting in Springfield, Illinois, from September 11-13, 2000, for their annual convention and trade show which is focused on the theme "Going for the Gold in the New Millennium"; and

WHEREAS, 4,000 long-term care professionals will be in attendance at the IHCA Convention and Trade Show;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 10-16, 2000, as IHCA WEEK in Illinois.

Issued by the Governor February 15, 2000.

Filed by the Secretary of State February 25, 2000.

2000-55

SEVERE WEATHER PREPAREDNESS WEEK

WHEREAS, tornadoes and related phenomena are the most devastating natural disasters that regularly affect Illinois; and

WHEREAS, Illinois is one of the hardest-hit states in the nation in terms of tornadoes and severe weather; and

WHEREAS, March 18, 2000, is the 75th anniversary of the deadliest tornado in U.S. history -- the Tri-State Tornado that killed 689 people in Missouri, Illinois and Indiana; and

WHEREAS, improved warning capabilities and public awareness have greatly reduced the number of weather-related fatalities in Illinois; and

WHEREAS, the Illinois Emergency Management Agency, other state agencies, the National Weather Service, county and local governments, private non-profit organizations and civic groups have combined efforts to increase public awareness and implement emergency planning to combat the deadly effects of tornadoes; and

WHEREAS, all Illinois residents are urged to become familiar with the effects of tornadoes and other severe weather threats and to create or review their severe weather plans at home, school and in the workplace;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 12-18, 2000, as SEVERE WEATHER PREPAREDNESS WEEK in Illinois.

Issued by the Governor February 15, 2000.

Filed by the Secretary of State February 25, 2000.

2000-56

AFRICAN AMERICAN HISTORY MONTH

WHEREAS, Dr. Carter G. Woodson, coal miner, teacher and author, founded the Association for the Study of Afro-American Life and History, Inc. in 1915 in Chicago; and

WHEREAS, Dr. Woodson initiated Negro History Week in 1926 to recognize the past and present contributions made by African Americans in the development of our state and country; and

WHEREAS, African American History Month is commemorated throughout the month of February in Illinois with seminars, storytelling, plays, concerts, music, dancing, art, films, family workshops and other expressions of creativity and pride; and

WHEREAS, Dr. Woodson's dream for the Association for the Study of Afro-American Life and History was to acquire sociological and historical data, publish books, promote the study of Black history throughout clubs and schools and encourage racial harmony; and

WHEREAS, African American History inspires all Americans to be more aware of African Americans and their experiences and achievements in every area or endeavor;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2000 as AFRICAN AMERICAN HISTORY MONTH in Illinois and urge all citizens to be cognizant of the contributions of all citizens to our society.

Issued by the Governor February 16, 2000.

Filed by the Secretary of State February 25, 2000.

2000-57

IRANIAN HERITAGE DAY

WHEREAS, there are several thousand Iranian Americans who reside in Illinois and more than one million throughout the United States; and

WHEREAS, the proud Iranian American community of Illinois has made contributions in research, teaching, medicine, law, business, art, and public service; and

WHEREAS, there are 19 community groups, media, and cultural entities of Iranian American organizations in Illinois who are active in the promotion of multiculturalism; and

WHEREAS, the Iranian American Cooperation Center, a not-for-profit organization, serves as the coordinating body striving to unite communities through cultural awareness and education for the preservation of our diverse spectrum of cultures; and

WHEREAS, the first day of Spring is celebrated as New Year's Day among all Iranians, regardless of their religious beliefs. "Now Ruz" (the new day) is celebrated on March 21st of each year at the time of the vernal equinox; and

WHEREAS, the traditional "Now Ruz" celebration begins with spring cleaning. This tradition of spring cleaning is extended to the cleansing of the body and soul from animosity, grievances, and evil thoughts. A fresh start with a fresh season is to follow by visiting and greeting one's neighbors, friends, relatives, and especially the elders in the family; and

WHEREAS, Iranians throughout the world will celebrate the arrival of Spring, the Iranian New Year 1379, on March 21, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 21, 2000, as IRANIAN HERITAGE DAY in Illinois.

Issued by the Governor February 16, 2000.

Filed by the Secretary of State February 25, 2000.

2000-58

AFRICAN-AMERICAN HISTORY MAKERS DAY

WHEREAS, the Chicago African-American History Makers Awards provide an opportunity for the DuSable Museum to salute and honor those who have made significant contributions to Chicago and the world; and

WHEREAS, the DuSable Museum of African-American History has the distinction of being the nation's first independent museum dedicated to preserving the history of African-Americans; and

WHEREAS, the recipients of the Chicago African-American History Makers Awards are as follows: Religion - Bishop Arthur M. Brazier Education - Paul Adams Civil Rights - Cirilo McQueen Public Service - State Senator Emil Jones The Arts - Abena Joan Brown Community Service - Michael Jordan The Board of Trustees Posthumous Award - Walter Payton

WHEREAS, proceeds from the Night of 100 Stars Gala will benefit the museum's educational programs and the 2000/2001 exhibition schedule;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 19, 2000, as CHICAGO AFRICAN-AMERICAN HISTORY MAKERS DAY in Illinois.

Issued by the Governor February 17, 2000.

Filed by the Secretary of State February 25, 2000.

2000-59

SCHOOL SOCIAL WORK WEEK

WHEREAS, the more than 2,200 school social workers in Illinois provide services to thousands of school children in regular and special education settings to help these children maximize their learning potential and experience school success; and

WHEREAS, school social workers assist the most vulnerable children and adolescents, including children with handicaps, abused and neglected children, low-income and minority children, pregnant teens, suicidal teens, potential dropouts, substance abusers, and other at-risk children and youths; and

WHEREAS, school social workers help parents and school personnel bridge the gap between home and school, coordinating community services to meet special needs of children and families; and

WHEREAS, school social workers work closely with school administrators, teachers, and other education professionals to help schools develop programs that are flexible and responsive to individual student needs; and

WHEREAS, school social workers advocate for schools, families, children, and youth in the legislative arena by supporting proposals to stabilize school funding, improve programs for at-risk children and youth, and offer training in conflict resolution and peer mediation to school children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 12-18, 2000, as SCHOOL SOCIAL WORK WEEK in Illinois.

Issued by the Governor February 17, 2000.

Filed by the Secretary of State February 25, 2000.

2000-60

URGES UNITED STATES CONGRESS TO GIVE CONSIDERATION TO LITHUANIA'S REQUEST TO JOIN NATO

WHEREAS, the Republic of Lithuania is a free, democratic and independent nation with a long and proud history; and

WHEREAS, the North Atlantic Treaty Organization is dedicated to the preservation of freedom and security of its member nations; and

WHEREAS, the Republic of Lithuania desires to share in both the benefits and obligations of NATO in pursuing the development, growth, and promotion of democratic institutions and ensuring free market economic development; and

WHEREAS, Lithuania recognizes its responsibilities as a democratic nation and wishes to exercise such responsibilities in concert with members of NATO;

WHEREAS, this date marks the 10th anniversary of the re-establishment of independence of the Republic of Lithuania;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, urge the Congress of the United States to give all due consideration to Lithuania's request to join the North Atlantic Treaty Organization.

Issued by the Governor February 17, 2000.

Filed by the Secretary of State February 25, 2000.

2000-61

NAACP IMAGE AWARDS DAY

WHEREAS, the NAACP, National Association for the Advancement of Colored People, is the oldest, largest and strongest civil rights organization in the

United States. Since its inception, the NAACP has been committed to ensuring the political, educational, social and economic equality for people of color; and

WHEREAS, the NAACP was founded on February 12, 1909, on the centennial of the birth of Abraham Lincoln, in New York City by a group of black and white citizens committed to social justice. For more than 90 years, the organization has served as the voice of African Americans and other people of color through marches, demonstrations and effective lobbying. The NAACP consists of a network of over 2,200 branches in all 50 states, the District of Columbia, Japan, Korea and Germany, divided into seven regions which are managed and governed by the National Board of Directors. The NAACP is headquartered in Baltimore, Maryland with total membership exceeding 500,000; and

WHEREAS, the Chairman of the Board is Julian Bond, Kwesi Mfume is President and Chief Executive Officer and the official spokesperson for the NAACP; and

WHEREAS, the NAACP Image Awards were created three decades ago to honor programs and individuals who portray positive images of people of color in the fields of television, motion pictures, literature and the recording industry; and

WHEREAS, the NAACP Image Awards were first presented on October 22, 1962, honoring Sammy Davis, Jr. for his tireless work to obtain fair employment for African American entertainers in Hollywood. Since then, the NAACP Image Awards have honored such luminaries as Oprah Winfrey, Quincy Jones, Ella Fitzgerald, Clint Eastwood, Denzel Washington, Stanley Kramer, Nancy Wilson and Will Smith; and

WHEREAS, the 31st NAACP Image Awards will be presented in the Pasadena Civic Auditorium on February 11 and 12, 2000, and taped for broadcast on the Fox Television network in April 2000. The NAACP Image Awards is Chaired by Charles Whitehead, President of Ashland, Inc. Foundation, and Nancy L. Lane, Vice President of Johnson & Johnson, is Vice Chair; and

WHEREAS, the 31st NAACP Image Awards will name Golden Globe-winning actress Halle Berry as Entertainer of the Year and will honor director Stephen Spielberg with a Vanguard Award;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 12, 2000, as NAACP IMAGE AWARDS DAY in Illinois.

Issued by the Governor February 18, 2000.

Filed by the Secretary of State February 25, 2000.

2000-62

SPRINGFIELD BALLET COMPANY DAY

WHEREAS, Grace Luttrell Nanavati and Dorothy Irvine had the foresight 25 years ago to recognize that central Illinois could support a strong dance presence; and

WHEREAS, the pair worked together to merge their existing companies into the single, unified company whose mission was to give aspiring dancers an atmosphere in which they could grow and excel; and

WHEREAS, the resulting Springfield Ballet Company has also maintained from the beginning an active dance education and outreach program that has sought to bring the creativity, diversity and magic of movement to schoolchildren, senior citizens and other under-served populations in Springfield and surrounding communities; and

WHEREAS, the Springfield Ballet Company has helped shaped dozens of young dancers into focused, committed individuals who strive for personal excellence, both within and outside of their dance experience; and

WHEREAS, the Springfield Ballet Company, as one of Illinois' oldest, continuously operating ballet companies, has met numerous financial and artistic challenges to become a venerable member of the Springfield arts community; and

WHEREAS, the Springfield Ballet Company looks forward to another 25 years of entertaining, educating and sharing the love of dance with the people of central Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 26, 2000, as SPRINGFIELD BALLET COMPANY DAY in Illinois.

Issued by the Governor February 18, 2000.

Filed by the Secretary of State February 25, 2000.

2000-63

VICTOR J. CACCIATORE DAY

WHEREAS, Victor J. Cacciatore has been successful in the fields of law, real estate, banking, insurance, education and philosophy; and

WHEREAS, Mr. Cacciatore and his wife live in River Forest and he is the proud father of 10 children; and

WHEREAS, the Italian Cultural Center has the coveted honor of bestowing the award of "Millennium Man of the Year" on a deserving man or woman in the Italian American community of Chicago; and

WHEREAS, on February 19, 2000, Victor J. Cacciatore will be honored by the Italian Cultural Center Annual Dinner Dance as "Millennium Man of the Year," held at the Alta Villa Banquet Hall in Addison, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 19, 2000, as VICTOR J. CACCIATORE DAY in Illinois.

Issued by the Governor February 18, 2000.

Filed by the Secretary of State February 25, 2000.

2000-64

4-H DAY

WHEREAS, 4-H is the largest youth organization in the State of Illinois, challenging more than 250,000 Illinois youth and adults with unique "hands on" learning each year; and

WHEREAS, 4-H is an effective educational program based on the expertise of the United States Department of Agriculture and the University of Illinois Extension planned by local, county and state committees; and

WHEREAS, more than 20,000 caring, nurturing adults work together with 4-H youth in family and community environments to create real life learning laboratories that help youth practice skills they need today and will use in their future; and

WHEREAS, 4-H enriches Illinois youth with important programs that make differences in the lives of countless youth and adults and in their communities in which they live; and

WHEREAS, 4-H is a family and community effort supplementing and complementing the home and school with action-oriented and practical educational experiences;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2, 2000, as 4-H DAY in Illinois and urge the citizens of Illinois to recognize the important accomplishments of Illinois 4-H members.

Issued by the Governor February 22, 2000.

Filed by the Secretary of State February 25, 2000.

2000-65

CERTIFIED PROFESSIONAL MIDWIFE AWARENESS WEEK

WHEREAS, Certified Professional Midwives provide the "Midwifery Model of Care" which is based on the fact that pregnancy and birth are normal life processes; and

WHEREAS, Certified Professional Midwives are dedicated to the care of women during pregnancy and birth, and treat each woman's pregnancy according to their unique physical and personal needs; and

WHEREAS, Certified Professional Midwives offer pregnancy screening, prenatal care, childbirth classes and counseling to pregnant women regarding nutrition, pregnancy, family relations and postpartum concerns; and

WHEREAS, Certified Professional Midwives offer cost-effective care to low-risk women and bring high-risk women into the medical health-care system when these women otherwise would not have secured health-care; and

WHEREAS, Certified Professional Midwives are the only nationally credentialled birth attendants with required out-of-hospital experience; and

WHEREAS, May 5th is celebrated around the world as the International Day of the Midwife;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 30 - May 6, 2000, as CERTIFIED PROFESSIONAL MIDWIFE AWARENESS WEEK in Illinois.

Issued by the Governor February 22, 2000.

Filed by the Secretary of State February 25, 2000.

2000-66

INTERNATIONAL WEEK

WHEREAS, the International Student Council at Southern Illinois University at Carbondale is celebrating its 26th anniversary of cultural, social, and educational contributions to the community; and

WHEREAS, SIUC has student representation from 115 countries and ranks within the top 20 of the nation's universities for foreign enrollment; and

WHEREAS, the International Student Council is sponsoring International Festival 2000 from February 16-21 to offer cultural exhibitions and activities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 22-27, 2000, as INTERNATIONAL WEEK in Illinois.

Issued by the Governor February 22, 2000.

Filed by the Secretary of State February 25, 2000.

2000-67

MARCH OF DIMES WALK/AMERICA WEEKEND

WHEREAS, everyday an average of 411 American babies are born with a birth defect, and 19 babies die as a result of their birth defect; and

WHEREAS, the March of Dimes is a voluntary health organization working to

assure healthy lives for America's babies; and
 WHEREAS, for more than 60 years, the March of Dimes has been safeguarding America's infant health; and

WHEREAS, the March of Dimes has been a pioneer in preventing birth defects, the nation's number one child health problem, through programs of research, community services, education, and advocacy; and

WHEREAS, WalkAmerica was initiated in 1970 to raise funds that support critical March of Dimes programs; and

WHEREAS, WalkAmerica has been successful for 30 years, providing more than \$1 billion for the March of Dimes mission to improve the health of babies by preventing birth defects and infant mortality; and

WHEREAS, the nation's hope for assuring future generations a healthy start in life depends upon the efforts and commitment of all Americans in events like WalkAmerica;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 29-30, 2000, as MARCH OF DIMES WALKAMERICA WEEKEND in Illinois.

Issued by the Governor February 22, 2000.

Filed by the Secretary of State February 25, 2000.

2000-68

NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS DAY

WHEREAS, the Chicago Area Chapter of the National Association of Women Business Owners (NAWBO) is one of the largest of the more than 80 chapters throughout the United States; and

WHEREAS, NAWBO serves as a voice for the 9.1 million women business owners who employ 27.5 million people and do more than \$3.6 trillion in business each year; and

WHEREAS, NAWBO is an educational and business opportunity resource. Through participation in NAWBO, women business owners have the ability to network and mentor others. NAWBO members provided valuable research data showing elected officials the economic impact of women; and

WHEREAS, on April 19, 2000, the Chicago Area Chapter of NAWBO will hold its Celebration of Achievement Luncheon to honor and celebrate the achievements of women in business and present the "Women Business Owner of the Year" and "Member of the Year" awards;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 19, 2000, as NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS DAY in Illinois.

Issued by the Governor February 22, 2000.

Filed by the Secretary of State February 25, 2000.

2000-69

SCHOOL PSYCHOLOGISTS ASSOCIATION WEEK

WHEREAS, for over 40 years, Illinois has been recognized as a leader in providing school programs and services for children with physical, mental, emotional, and educational problems; and

WHEREAS, Illinois school psychologists have demonstrated their concern for children's rights to free and appropriate public education tailored to their individual capabilities; and

WHEREAS, the school psychology profession and the Illinois School

Psychologists Association have dedicated their efforts to serving the mental health and educational needs of children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 22-26, 2000, as SCHOOL PSYCHOLOGISTS ASSOCIATION WEEK in Illinois and commend the school psychology professionals on their dedication to the health and well-being of our state's students.

Issued by the Governor February 22, 2000.

Filed by the Secretary of State February 25, 2000.

2000-70

CHICAGO FEDERAL EXECUTIVE BOARD'S EMPLOYEE OF THE YEAR AWARDS DAY

WHEREAS, the Chicago Federal Executive Board will host its 2000 Federal Employee of the Year awards on May 4, 2000, at the Palmer House Hilton Hotel in Chicago, Illinois; and

WHEREAS, the awards recognize federal employees from eight surrounding counties who have distinguished themselves through dedication and superior service to the American public; and

WHEREAS, the awards are recognized as one of the most important and coveted forms of non-monetary recognition available to the more than 80,000 employees of the United States government in metropolitan Chicago; and

WHEREAS, the program recipients are nominated not only for outstanding performance in their regularly assigned duties, but also for those employees who have played a significant role in agency reinvention or streamlining efforts establishing the foundation for lasting results; and

WHEREAS, in conjunction with the awards, college scholarships totaling \$4,000 will be awarded to two graduate students from the University of Illinois at Chicago's College of Urban Planning and Public Affairs;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 4, 2000, as CHICAGO FEDERAL EXECUTIVE BOARD'S EMPLOYEE OF THE YEAR AWARDS DAY in Illinois.

Issued by the Governor February 23, 2000.

Filed by the Secretary of State February 25, 2000.

2000-71

THE SUMMER HOME OF THE WORLD CHAMPION ST. LOUIS RAMS

WHEREAS, the city of Macomb and the State of Illinois are proud to host the summer training camp for the St. Louis Rams Football Team; and

WHEREAS, this year will be the fifth summer for the St. Louis Rams to hold training camp in Macomb, Illinois; and

WHEREAS, the City of Macomb and all of Western Illinois are proud to have been a part of the team history and a championship season. As football fans, we reveled all season with every Kurt Warner pass. Every great run by Isaac Bruce and Marshall Faulk had our attention, and the defense had our hearts in each and every game; and

WHEREAS, like the team itself, we worked hard for a common goal. Western Illinois University, the City of Macomb, Macomb Area Industrial Development Cooperation, and the Macomb Area Convention and Visitors Bureau were a solid offensive unit to bring the Rams to Macomb. Their cooperative efforts continue today to better summer camp for players and fans alike; and

WHEREAS, we congratulate the entire St. Louis Rams Football organization on

a splendid season. We salute Coach Dick Vernel on a terrific career and welcome Coach Mike Martz as the new Head Coach of the World Champion St. Louis Rams;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, declare Macomb, Illinois, as THE SUMMER HOME OF THE WORLD CHAMPION ST. LOUIS RAMS. Issued by the Governor February 23, 2000.

Filed by the Secretary of State February 25, 2000.

2000-72

TOWNSHIP GOVERNMENT MONTH

WHEREAS, this nation's government has served as a model from which its power is derived from the people it governs and serves; and

WHEREAS, the people who govern themselves and this nation do so from the ground up, with local governments serving as the cornerstone of service to the citizens; and

WHEREAS, the township is the oldest form of government in existence on the North American continent, a form of government that was brought to the New World by pilgrims when they landed on the eastern seaboard in 1636; and

WHEREAS, in Illinois, the first township governments were established in 1850, a century and a half ago, as the Prairie State continued its emergence as one of the most progressive states in the Union; and

WHEREAS, put in historical perspective, township government has served and thrived through countless changes in federal and state administrations, sweeping social and economic changes and a century and a half of progress, primarily because of its grassroots model of service to the people; and

WHEREAS, put further into historical perspective, consider that in 1850, Zachary Taylor was serving as this great nation's 12th president; the Underground Railroad as founded by emancipationist Harriet Tubman and began providing safe passage from slavery to freedom for hundreds of American slaves; Elizabeth Blackwell began her first practice as a medical doctor, the first woman in the United States to practice medicine with a degree earned from an American school; and

WHEREAS, Zachary Taylor has long been forgotten by all but the most fervent historians, slavery has been effectively abolished for 135 years, machines are being replaced by high-tech computers and women in school are nearly as prominent as men, but Township government continues to serve and thrive; and

WHEREAS, in April 2000 township government in Illinois celebrates its sesquicentennial anniversary as the government of "the people, next door," a local government that continues to serve its constituents with efficiency and dedication;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2000 as TOWNSHIP GOVERNMENT MONTH in Illinois.

Issued by the Governor February 23, 2000.

Filed by the Secretary of State February 25, 2000.

Rules acted upon during the calendar quarter from Issue 1 through Issue 16 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Admin. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or ralphale@copale.state.il.us (Internet address).

PROPOSED	ADOPTED	EMERGENCY
2-1175-8	50-5420-12	89-148-12
2-1176-8	59-111-4	89-160R-12
2-1610-1	59-350-1	89-300-3
2-3100-2	68-750-10	89-329-6
4-300-4	68-1260-3	89-340-4
8-125-6	68-1283-6	89-378-7
8-125-6	68-1285-7	68-1150-3
8-125-6	68-1285-8	68-1100-10
8-125-6	68-1285-9	68-1100-10
8-125-6	68-1285-10	68-1100-10
8-125-6	68-1285-11	68-1100-10
8-125-6	68-1285-12	68-1100-10
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